



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Twentieth periodic reports of States parties due in 2008

Addendum

PAKISTAN* **

[4 January 2008]

* This document contains the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth periodic reports of Pakistan, due on 4 January 1998, 2000, 2002, 2004, 2006 and 2008, submitted in one document. For the tenth to fourteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/299/Add.6, CERD/C/SR.1198 and 1199.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Introduction

1. In accordance with article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Pakistan has periodically informed the Committee on the steps taken by it to implement the provisions of the Convention to which Pakistan became a party by ratification in 1969.
2. The tenth to fourteenth (consolidated) periodic reports of Pakistan were considered by the Committee at its fiftieth session in March 1997.
3. The report contains the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth (consolidated) periodic reports due on 5 January 1998, 5 January 2000, 5 January 2002, 5 January 2004, 5 January 2006 and 5 January 2008. It supplements the information given earlier. An effort has been made to adhere to the general guidelines in the preparation of the report (HRI/GEN/2/Rev.3 of 8 May 2006) and to take into account the valuable comments and observations made by the Committee during its consideration of Pakistan's last periodic report.

I. GENERAL

A. Land and people

1. Country profile

4. Pakistan won independence from British rule on 14th August 1947. Geographically Pakistan lies between 23⁰42' to 36⁰55' latitude north and 60⁰45' to 75⁰20' longitude east. It touches the Hindukush Mountains in the north and extends from the Pamirs to the Arabian Sea. It has Iran in the west, Afghanistan in the northwest, India in the east and southeast and Arabian Sea in the south. There is a common border with China alongside Gilgit and Baltistan in the north.

5. Pakistan's total area is 796,095 sq.km. with an estimated population of 162.13 million. Pakistan has four provinces: Balochistan, North West Frontier Province (NWFP), Punjab and Sindh. The Islamabad Capital Territory, the Federally Administered Tribal Areas (FATA) and Federally Administered Northern Areas (FANA) are in addition to the four provinces.

6. Pakistan's climate is varied with four distinct seasons. North and northwestern high mountainous ranges are extremely cold in winter while the summer months of April to September are pleasant. The plains of the Indus valley are extremely hot in summers and cold and dry in winters. The coastal strip in the South has moderate climate. There is a general deficiency of rain. Rains come during the monsoon season that falls late in the summer.

2. Economy

7. Pakistan, a developing country, has an agriculture based economy with a network of canals irrigating a major part of its cultivated land. Wheat, cotton, rice, millet and sugarcane are its major crops. Among fruits: mangos, oranges, bananas and apples are grown in abundance in different parts of the country.

8. The main natural resources are natural gas, coal, salt and iron. Cotton, textiles, sugar and cement play an important role in its economy. Pakistan's main industries are textiles, food processing, beverages, construction material, clothing, paper products, and shrimp.
9. Pakistan's economy went through a difficult period in the 1990s. Poverty increased, national currency suffered repeated devaluations, foreign and domestic debt registered an upward growth and GDP declined. Significant measures have been taken to arrest the slide in the economy during the last seven years, which have greatly improved the economic situation of the country.
10. According to the latest figures released by the Economic Survey of Pakistan 2006-2007, Pakistan's real GDP has grown at an average rate of 7 percent per annum during the last five years. Economic expansion helped increase per capita income by 11% to \$ 925 at the end of the last financial year. Similarly, in the last financial year, foreign exchange reserves touched \$15.1 billion mark and public debt burden declined by 2%. Rapid and broad based growth helped reduce poverty and improve social indicators.
11. At the national level, incidence of poverty¹ decreased from 34.46% in 2000-01 to 23.9% in 2004-05. According to Pakistan Social and Living Standard Measurements (PSLM) for 2005-06, most of the indicators pertaining to education such as gross and net enrollment at primary level and literacy rate have improved. Infant mortality is down from 82 to 70 during 2001-06. Increased use of contraceptives has led to decline in total fertility rate from 4.5 to 3.8 in 7 years.
12. However, accelerated growth is not without usual hazards. While inflation has risen during the last and the current financial years, trade deficit widened. In line with international trends, the Government is using appropriate monetary and fiscal tools to control this situation.
13. The labour force in Pakistan is roughly 50.05 million with 46.6 million employed and 3 million unemployed. Nearly 43.37% is engaged in agriculture and 56.63% in non-agricultural activity/industry. Non-agricultural activities include manufacturing, trade, construction, services and transport etc. Within the non-agriculture sector, the major portion i.e. two thirds (64.6%) of the employed persons was engaged in informal sector. The unemployment rate decreased from 6.8% in 2003-2004 to 6.2% in 2005-2006.

3. Languages

14. Urdu is the national language and English is the official language. Both are used as media of instructions. A number of other regional languages are also spoken. Other regional languages are Punjabi, Sindhi, Siraiki, Pashtu, Balochi, Hindko, Brahui and others.

¹ Calculated as adults getting less than 2350 calories/day or Rs. 748.56 adult equivalence per month.

B. General political structure

15. The Constitution of Pakistan was adopted in 1973. It lays down a parliamentary form of government with a bi-cameral Parliament and four Provincial Assemblies. The Constitution contains two lists of subjects: the Federal Legislative List and the Concurrent Legislative List.

16. At the Federal level, the National Assembly and the Senate form the two chambers. In 2002 the size of the country's legislative bodies was increased and seats reserved for women through affirmative action. The National Assembly presently consists of 342 seats including 60 seats reserved for women and 10 seats reserved for minorities. The Senate consists of 100 members including 17 seats reserved for women and 17 reserved for Technocrats. Members of the National Assembly are elected for a term of 5 years whereas Members of the Senate are elected for a term of 6 years with staggered elections every 3 years.

17. In response to a consistent demand by minority communities, the system of separate electorate - under which the majority and the minorities vote for majority and minority candidates respectively - has been abolished and replaced by a system of joint electorate.

18. Each Province has a Provincial Assembly. The cumulative strength of all Provincial Assemblies is 728, of which 128 seats are reserved for women and 23 seats for minorities.

19. For the purpose of elections to both Houses of Parliament and Provincial Assemblies, a permanent Election Commission is in place comprising the Chief Election Commissioner and 4 Members. All members are Judges of High Courts, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Chief Election Commissioner.

20. Members of the National Assembly and Provincial Assemblies against the General Seats are elected by direct voting in a constituency on first-past - the-post system through a secret ballot. A candidate, who obtains the highest number of votes in a constituency, is declared elected as a Member of the respective Assembly.

21. Province wise detail of seats of National Assembly and Provincial Assemblies is as under:

National Assembly

| Number of seats | | | | |
|-----------------|---------------|----------------|-----------|------------|
| Province/area | General seats | Reserved seats | | |
| | | Minorities | Women | Total |
| Federal Capital | 2 | - | - | 2 |
| Punjab | 148 | - | 35 | 183 |
| Sindh | 61 | - | 14 | 75 |
| NWFP | 35 | - | 8 | 43 |
| FATAs | 12 | - | - | 12 |
| Balochistan | 14 | - | 3 | 17 |
| Total | 272 | 10 | 60 | 342 |

Provincial Assemblies

| Province/area | Number of seats | | | |
|---------------|-----------------|----------------|-------|-------|
| | General seats | Reserved seats | | |
| | | Minorities | Women | Total |
| Punjab | 297 | 8 | 66 | 371 |
| Sindh | 130 | 9 | 29 | 168 |
| NWFP | 99 | 3 | 22 | 124 |
| Balochistan | 51 | 3 | 11 | 65 |
| Total | 577 | 23 | 128 | 728 |

22. Seats in the National Assembly are allocated to each Province, the Federally Administrated Tribal Areas (FATA) and the Federal Capital on the basis of population.

23. Members to the seats reserved for Women and Minorities are elected in accordance with the law through proportional representation system on the basis of total number of General Seats secured by each political party in the National Assembly or a Provincial Assembly.

24. The Senate consists of 100 members, of whom 22 members (including 4 women and 4 technocrats) are elected by each Provincial Assembly, 8 members from Federally Administered Tribal Areas (FATA) and 4 members (including one woman and one technocrat) are elected from the Federal Capital by the Members of the National Assembly. The breakup of seats allocated to each Province, Federally Administered Tribal Areas (FATA), Federal Capital, Women and Technocrats, is as under:

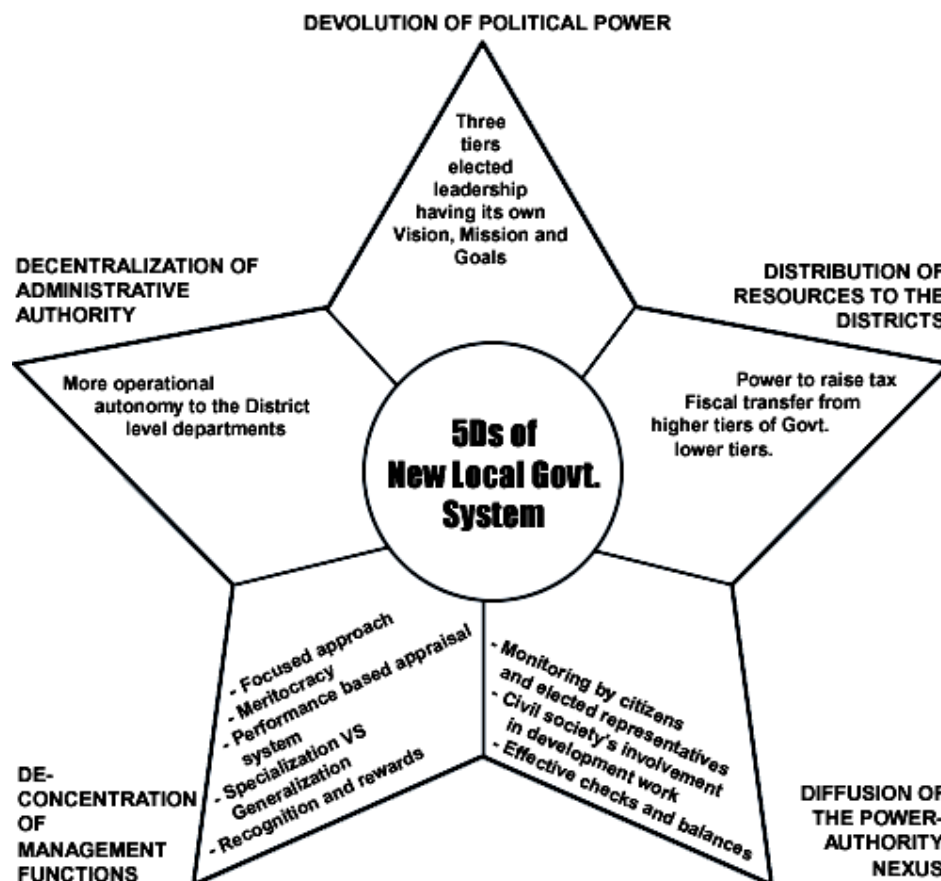
Senate

| Province/area | Number of seats | | | |
|-----------------|-----------------|----------------|-------------|-------|
| | General seats | Reserved seats | | |
| | | Women | Technocrats | Total |
| Federal Capital | 2 | 1 | 1 | 4 |
| Punjab | 14 | 4 | 4 | 22 |
| Sindh | 14 | 4 | 4 | 22 |
| NWFP | 14 | 4 | 4 | 22 |
| Balochistan | 14 | 4 | 4 | 22 |
| FATA | 8 | - | - | 8 |
| Total | 66 | 17 | 17 | 100 |

Local Governments

25. For greater accountability and decentralization, the provincial governments promulgated the Local Government Ordinance, 2001 in their respective provinces to install a new integrated Local Government System with effect from 14 August 2001, to function within the provincial framework and adhere to the Federal and Provincial laws. The new system which may be best described through the 5Ds (Figure below) reorients the administrative system to allow political ownership of the institutions and public participation in decision-making. The essence of this system is that the local governments are accountable to citizens for all their decisions. It enables the proactive elements of society to participate in community work and development related

activities by accessing 25% of development budget of each local government which under the law can only be utilized by citizen community boards formed by non-elected members of society. It has also removed rural-urban divide.



26. The new system provides a three-tier local government structure in which there is only one line of authority in the district, and the district bureaucracy is answerable to the elected representatives. More operational autonomy is ensured to the district level officers. Administrative and financial powers of the former divisional offices have been, by and large, delegated to the district level.

27. At the top tier of the district, there is a single integrated local government called District Government, consisting of Zila Nazim and District Administration. The District Administration comprises district offices including sub-offices at “Tehsil level”. The Decentralized Provincial Government departments are responsible to the Zila Nazim. The administration is now more responsible to serve the people.

Legal framework for Local Government system:

28. Articles 32 and 140-A of the Constitution of the Islamic Republic of Pakistan, 1973 provide as under:

“32. Promotion of local Government institutions. The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.

140-A. Local Government. Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local government.”

29. In order to strengthen the local government system, the Provincial Local Government Ordinances, 2001 have been included in the Sixth Schedule of the Constitution.

30. Local governments in Pakistan function within the framework provided by the Provincial Local Government Ordinance, 2001. Each Provincial Government has promulgated the ordinance. The main local government legislation is the Local Government Ordinance (LGO) promulgated by each province in August, 2001: i) The Sindh Local Government Ordinance, 2001, ii) The Balochistan Local Government Ordinance, 2001, iii) The North West Frontier Province Local Government Ordinance, 2001, iv) The Punjab Local Government Ordinance, 2001.

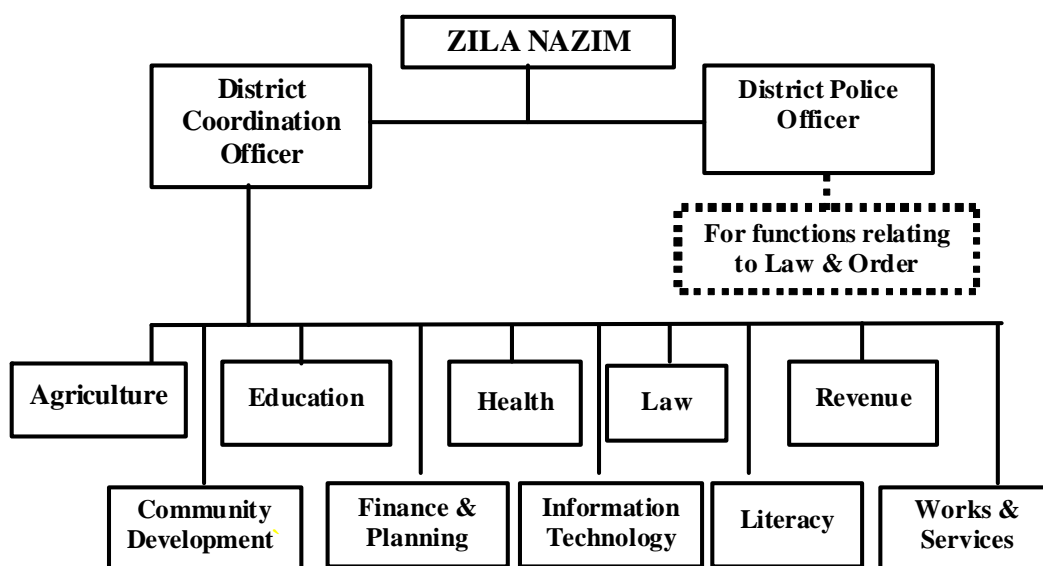
District Government

31. District establishments including the ones in the city districts are composed of federal and provincial civil servants, employees of defunct Zila Councils and staff of all groups of offices devolved to the district government. The Zila Nazim is head of the District Government and the District Coordination Officer (DCO) is the coordinating head of the District Administration.

32. At district level, there are up to 11 groups of district offices, each headed by an Executive District Officer (EDO) reporting to the District Coordination Officer. District Officers (DOs) head sub-offices at district headquarters, with Deputy District Officers (DDOs) in charge of specific functions located in the tehsils/towns. In addition to overall coordination responsibilities, the DCO has responsibility for human resource management and civil defence. EDOs have responsibility for: i) agriculture; ii) community development; iii) education; iv) finance and planning; v) health; vi) information technology; vii) law; viii) literacy; ix) revenue; and x) works and services.

33. Provincial police chiefs select and appoint for each district a District Police Officer responsible to the Zila Nazim concerning the maintenance of law and order in the district.

District Governments' organization structure



City District Governments

34. At city district level, the arrangements normally follow those in the common districts. City districts may, however, depending on economies of scale and the nature of their urban infrastructure vary in the groups of offices and set up district municipal offices for the integrated development and management of a specified range of services, primarily those relating to the environment, public sanitation, housing, planning, and cultural matters. At the town level, Town Municipal Officers (TMOs) have oversight of the activities of four Town Officers (TOs) responsible for planning, infrastructure and services, municipal regulations, and finance.

35. Adequate checks and balances have been introduced in the System. The new System effectively addresses the specific needs and problems of large cities. In addition to declaration of four provincial headquarters as City Districts, the System has provisions to declare a City/Tehsil as City District and Towns when it becomes urbanized and fulfills the criteria of a City District.

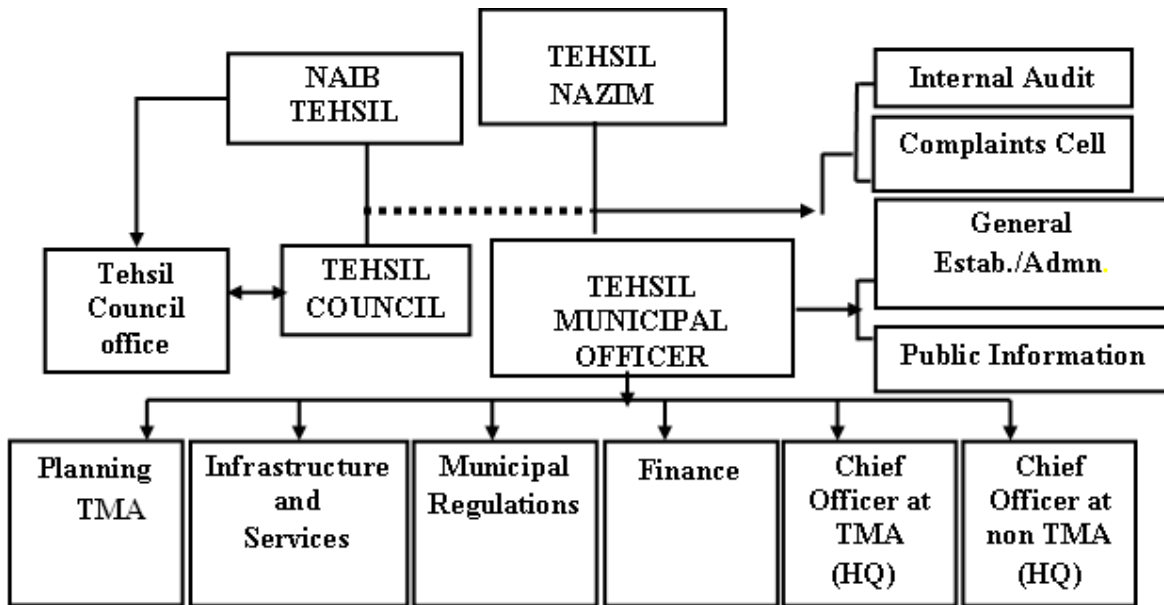
36. The middle tier, the Tehsil, has Tehsil Municipal Administration (TMA) headed by the Tehsil Nazim. The Tehsil Municipal Administration includes the offices and sub-offices of the Urban Local Councils established under the repealed Local Government Ordinance, 1979 offices and sub-offices of Local Government & Rural Development, Public Health Engineering and Housing & Physical Planning Departments of Provincial Government entrusted to it for administrative and financial management. In a City District, a Town Municipal Administration is organized more or less on the same pattern as Tehsil Municipal Administration in a common District.

Tehsil Municipal Administrations

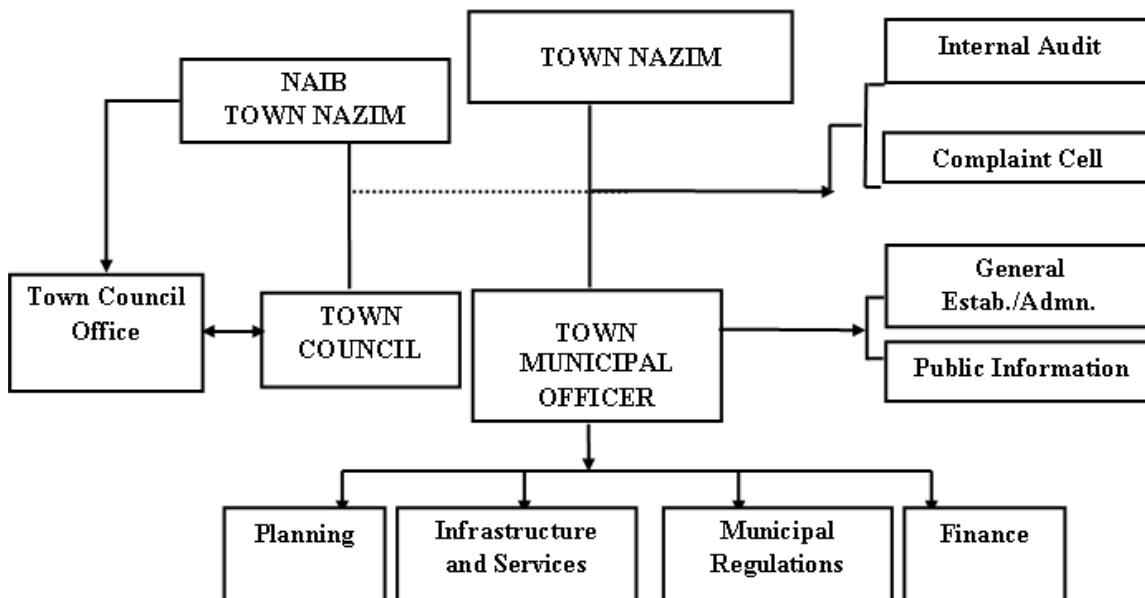
37. Tehsil Municipal Administrations (TMAs) inherited staff and organisational structures from the erstwhile local governments and from the provincial governments. Some provincial staff have also been transferred to them. The Tehsil Nazim is head of the Tehsil Municipal Administration and is assisted by Tehsil Municipal Officer (TMO).

38. In Tehsil Municipal Administrations, the Tehsil Municipal Officer is supported by four Tehsil Officers (TOs) with responsibility for: i) Municipal Regulations; ii) Infrastructure and Services; iii) Planning; and iv) Finance.

TMA (TEHSIL) organizational structure



(TOWN) organizational structure

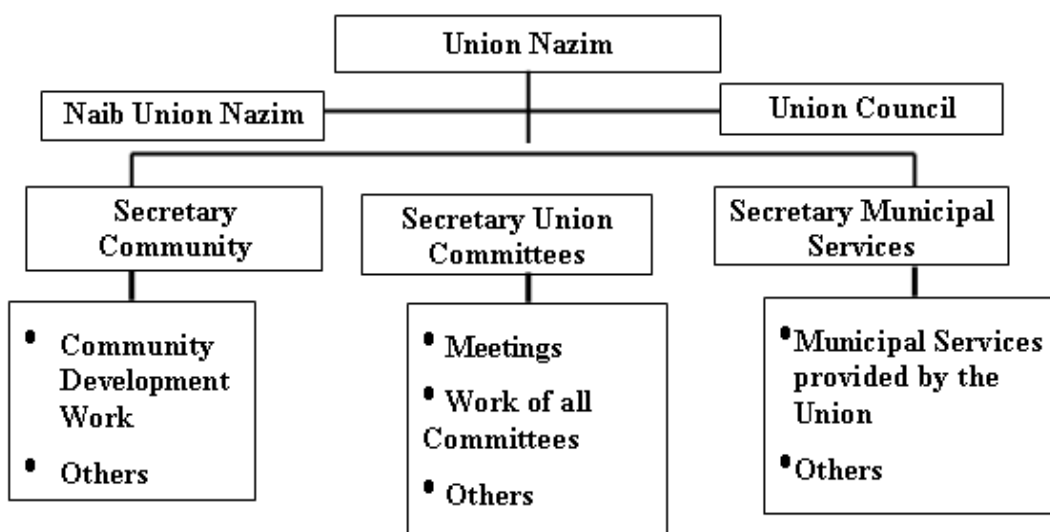


Union Administration:

39. At the lower tier, the Union Administration, which is a body corporate, covers the rural as well as urban areas across the whole district. It consists of Union Nazim, Naib Union Nazim and three Union Secretaries and other ancillary staff.

40. At Union level, the Union Nazim is head of the Union Administration, assisted by up to three secretaries. One for union committees, the second for municipal functions and the third for community development under the executive control of the Union Nazim.

Union administration organization



41. Coordination between the three tiers is ensured through the following arrangements:

(a) The Zila Council in a common district or in a city district, apart from 33% reserved seats for women, 5% for peasants & workers and 5% for minorities, consists of Union Nazims of all the unions in the district or the city district. Similarly the Tehsil/Town Council, apart from 33% reserved seats for women, 5% for peasants & workers and 5% for minorities, consists of Naib Union Nazims of all the unions in the tehsil in a common district or in the town in a city district. This provides vertical linkages between the three tiers of the local governments i.e. the Union, Tehsil, and District. Union Nazim and Naib Union Nazim are elected as joint candidates to the Union Council, which consists of thirteen elected members against general and reserved seats including the Union Nazim and Naib Union Nazim.

(b) The local councils at Union, Tehsil/Town and District level are vested with the authority to approve budget and monitor service delivery of the respective administration.

Decentralization of finances

42. The new Local Government System envisages formula-based fiscal transfers to the districts through Provincial Finance Awards. In addition, local governments are allowed to levy local taxes/fees from a specified list. To promote trade and commerce in the country there will be

no import/export tax or tax on movement of goods through a district. According to the new Local Government System, Local Governments are not allowed to incur any debt to finance their expenditures.

Elections of local councils

43. Elections to the local government institutions are held by the Chief Election Commissioner after every 4 years on non party basis. Members of Union Council including Union Nazim and Naib Union Nazim are elected through direct election based through universal adult franchise and on the basis of joint electorate. Members of Union Councils in a district (including Union Nazims and Naib Union Nazims) constitute the electoral college for election of Zila Nazim and reserved seats of Women, Peasants & Workers Minorities in Zila Councils. The electoral college for the election of a Tehsil Nazim, Town Nazim and reserved seats of Women, Peasants & Workers, and Minorities in a Tehsil Council and Town Council are members of the Union Councils in a Tehsil or, as the case may be, Town including Union Nazims and Naib Union Nazims. However, for the election to the reserved seats for Women in Zila Council proportionately divided among Tehsils or Towns, the electorates are members of the Union Councils in a Tehsil or Town. It is the responsibility of the Chief Election Commissioner to organize and conduct these elections. The overall elected membership of local governments is 85,747, of which 28,553 seats are reserved for women 13,016 seats for peasants & workers and 7,067 seats for minorities.

44. Category wise total number of seats at Union, Tehsil/Town and District level is as under:

Number of seats in a Union Council

| S. No | Category | Number of seats |
|-------|-------------------------|-----------------|
| 1 | Nazim/Naib Nazim | 2 |
| 2 | Muslim (general) | 4 |
| 3 | Muslim (women) | 2 |
| 4 | Peasants/Workers | 2 |
| 5 | Peasant/Workers (women) | 2 |
| 6 | Minority communities | 1 |
| | Total | 13 |

Total number of seats in all the Union Councils

| S. No | Category | Number of seats |
|-------|-------------------------|-----------------|
| 1 | Nazim | 6 125 |
| 2 | Naib Nazim | 6 125 |
| 3 | Muslim (general)* | 24 357 |
| 4 | Muslim (women)* | 12 217 |
| 5 | Peasants/Workers | 12 250 |
| 6 | Peasant/Workers (women) | 12 250 |
| 7 | Minority communities | 6 301 |
| | Total | 79 625 |

*Note: including 143 Muslim (General) and 33 Muslim (Women) seats given to minorities in unions with more than 10% minorities population as provided in the law.

Number of seats reserved at (Zila) & Tehsil/town level

| Province | Zila Nazims | Zila Councils | | | Tehsil/Taluka /Town Nazims | Tehsil/Taluka/Town Council | | |
|-------------|-------------|---------------|-----|------------|----------------------------|----------------------------|-----|------------|
| | | Women | P&W | Minorities | | Women | P&W | Minorities |
| Punjab | 35 | 1 151 | 172 | 172 | 144 | 1 151 | 192 | 192 |
| Sindh | 23 | 373 | 57 | 57 | 119 | 373 | 119 | 119 |
| NWFP | 24 | 326 | 48 | 48 | 54 | 326 | 65 | 65 |
| Balochistan | 29 | 193 | 34 | 34 | 77 | 193 | 79 | 79 |
| Total | 111 | 2 043 | 311 | 311 | 394 | 2 043 | 455 | 455 |

Local government institutions

45. Under the Local Government Ordinance, 2001, the following institutions have been established for ensuring the smooth functioning: i) Provincial Local Government Commission; ii) Provincial Finance Commission; iii) Monitoring Committees; iv) Ethics Committees; v) Accounts Committees; vi) Zila Mushavirat Committees; vii) Citizen Community Boards; viii) Union Public Safety Committees; ix) Insaf Committees; x) Musalihat Anjumans; xi) Zila Mohtasib.

C. Judicial system

46. The judicial system consists of the Supreme Court, Provincial High Courts, and Lower Courts, which exercise civil and criminal jurisdiction.

47. The law of Pakistan, as administered through a hierarchy of courts, is designed to ensure equality before the law. The High Courts entertain writ petitions in their original jurisdiction to safeguard the basic rights of citizens. In addition, citizens can directly approach the Supreme Court to deal with cases involving questions of public importance with regard to the enforcement of any of the fundamental rights, human rights violations and discrimination. The contribution of the courts in these areas has an important effect vis-à-vis the promotion and protection of human rights and eliminating discrimination.

1. Superior judiciary

48. The Constitution of Pakistan provides for the separation of judiciary from the Executive and independence of judiciary. It entrusts the superior courts with an obligation to “preserve, protect and defend” the Constitution. The qualifications of Judges, their mode of appointment, service conditions, salary, pension, etc are also laid down in the Constitution. The remuneration of judges and other administrative expenditures of the Supreme Court and High Courts are charged on the Federal/Provincial Consolidated Fund, and therefore can only be discussed but cannot be voted upon in the legislature.

49. The Constitution also provides for the grounds as well as forum and procedure for the removal of judges of the superior courts. The Supreme Judicial Council, consisting of the senior judges of the Supreme Court and two senior most Chief Justices of High Courts, on a reference

made by the President, may recommend the removal of a Judge on the grounds of misconduct or physical or mental incapacity. Thus, the Constitution ensures the freedom, independence and impartiality of the superior judiciary.

2. The Supreme Court

50. The Supreme Court is the highest Court of the land, exercising original, appellate and advisory jurisdiction. It is the Court of ultimate appeal and therefore final arbiter of law and the Constitution. Its decisions are binding on all other courts. The Court consists of a Chief Justice and other judges, appointed by the President. An Act of Parliament has determined the number of judges. The number at the moment is 17. A person with 5 years experience as a Judge of a High Court or 15 years standing as an advocate of a High Court is eligible to be appointed as Judge of the Supreme Court. The standing practice is that the Chief Justice recommends a list of names to the President and the President selects Judges from the said list.

51. The Court exercises original jurisdiction in inter-governmental disputes, be that dispute between the Federal Government and a provincial government or among provincial governments. The Court also exercises original jurisdiction (concurrently with High Courts) for the enforcement of fundamental rights, where a question of 'public importance' is involved. The Court has appellate jurisdiction in civil and criminal matters. Furthermore, the Court has advisory jurisdiction in giving its opinion to the Government on a question of law.

52. The Court appoints its own staff and determines their terms and conditions of service. The Supreme Court (Appointment of Officers and Servants and Terms of Service) Rules 1982 prescribe the qualification for and mode of appointment and promotion of staff together with penalties and procedure for disciplinary proceedings against them. The Court may also frame its own rules of procedure. The Supreme Court Rules 1980 laid down detailed procedure for the filing of petitions and appeals and their processing through the Court.

53. Besides entertaining civil and criminal appeals from the High Courts, the Court also hears appeals from the judgments of the Federal Shariat Court, Service Tribunals and some special courts. The Court also entertains cases of violation of Fundamental Rights under its original jurisdiction (Art 184 (3)). Besides being deputed to act as special court/tribunal, the judges are also engaged as members of enquiry commissions. As a consequence, there is always a huge workload to dispose of.

54. To facilitate the litigant public and ensure prompt disposal of cases, the Court, except in very important cases, generally operates through Benches. Besides its permanent seat at Islamabad, benches have been constituted, and are functional, almost round the year, at Karachi and Lahore. Special benches are also constituted periodically for the provincial headquarters of Peshawar and Quetta.

3. High Courts

55. There is a High Court in each province. Each High Court consists of a Chief Justice and Judges. The strength of Lahore High Court is 50, High Court of Sindh is 28, Peshawar High Court is 15 and High Court of Baluchistan is 6.

56. The Chief Justice is appointed by the President in consultation with the Chief Justice of Pakistan, Governor of the Province concerned and the Chief Justice of the concerned High Court. Qualifications mentioned for the post of a Judge are, 10 years experience as an advocate of a High Court or 10 years service as a civil servant including 3 years experience as a District Judge or 10 years experience in a judicial office. The Chief Justice of the concerned High Court prepares a list of candidates which is submitted to the President through the Governor of the province and Chief Justice of Pakistan. The President finally selects Judges from the said list. The most senior judge would have legitimate expectancy of being appointed as the Chief Justice except for concrete and valid reasons, to be recorded by the President.

57. The Court exercises original jurisdiction in the enforcement of Fundamental Rights and appellate jurisdiction in judgments/orders of the subordinate courts in civil and criminal matters.

58. The Court supervises and controls all the courts subordinate to it. It appoints its own staff and frames rules of procedure for itself as well as courts subordinate to it.

4. Federal Shariat Court

59. Article 227 of the 1973 Constitution mandates that all existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and the Sunnah. To ensure this conformity, the Federal Shariat Court was established in May 1980. The Constitution of Pakistan confers original, criminal and suo moto jurisdiction, apart from revisional powers, to the Federal Shariat Court.

60. The Court consists of 8 Muslim Judges including the Chief Justice. These Judges are appointed by the President from amongst the serving or retired Judges of the Supreme Court or a High Court or from amongst persons possessing the qualifications of a Judge of the High Court. Of the 8 Judges, 3 are Ulema who are well versed in Islamic law. The Judges hold office for a period of 3 years and the President may further extend such period.

61. The Court, on its own motion or through petition by a citizen or a government (Federal or provincial), may examine and determine as to whether or not a certain provision of law is repugnant to the Injunctions of Islam. Appeal against its decisions lie with the Shariat Appellate Bench of the Supreme Court, consisting of 3 Judges of the Supreme Court and 2 Ulema, appointed by the President. If a certain provision of law is declared to be repugnant to the Injunctions of Islam, the Government is required to take necessary steps to amend the law so as to bring it in conformity with the injunctions of Islam. The decisions of the Court are binding on the High Courts as well as subordinate judiciary. The Court appoints its own staff and frames its own rules of procedure.

5. Subordinate judiciary

62. The subordinate judiciary may be broadly divided into two classes; (i) civil courts, established under the West Pakistan Civil Court Ordinance 1962, and (ii) criminal courts, created under the Criminal Procedure Code 1898. In addition, there also exist other courts and tribunals of civil and criminal nature, created under special laws and enactments. Their jurisdiction,

powers and functions are specified in the statutes creating them. Decisions and judgments of such special courts are assailable before the superior judiciary (High Court and/or Supreme Court) through revision or appeal. The civil courts may be classified as follows:

6. Civil and criminal courts

63. Each provincial High Court recruits judges of the Subordinate courts, and their terms and conditions are regulated under the provincial civil servants acts/rules. The respective High Court, however, exercises administrative control over such courts. The civil courts consist of District Judge, Additional District Judge and Civil Judge Class I, II & III. Similarly, the criminal courts comprise of Session Judges, Additional Session Judges and Judicial Magistrates. Law fixes their pecuniary and territorial jurisdictions. Appeal against the decisions of civil courts lie with the District Judge and the High Court, if the value of the suit exceeds a specified amount. Similarly, in keeping with the quantum of penalty, appeals against criminal courts lie with Sessions Judge or High Court.

7. Revenue courts

64. Besides the civil courts, there exist revenue courts, operating under the West Pakistan Land Revenue Act 1967. The revenue courts are classified as the Board of Revenue, the Commissioner, the Collector, the Assistant Collector of the First Grade and Second Grade. The provincial government that exercise administrative control over them appoints such officers. Law prescribes their powers and functions.

8. Special courts

65. The Constitution authorises the federal legislature to establish administrative courts and tribunals for dealing with federal subjects. Consequently, several special courts/tribunals have been created, which operate under the administrative control of the Federal Government. Most of these courts function under the Ministry of Law & Justice. However, certain courts also operate under other ministries/departments. Such courts/tribunals include the Banking Court, Customs Court, Anti-corruption Courts, Income Tax (Appellate) Tribunal, Insurance Appellate Tribunal and the Anti-Terrorism Courts. The presiding officers of these courts are appointed on deputation from the provincial judicial cadre.

9. Service tribunals

66. Under Article 212 of the Constitution, the Government is authorised to set up administrative courts and tribunals for exercising jurisdiction in matters, inter alia, relating to the terms and conditions of service of civil servants. Accordingly, service tribunals, both at the centre and provincial level have been established and are functional. The members of these tribunals are appointed by the respective Government. Appeals against decisions of Service Tribunals lie with the Supreme Court.

D. General legal framework within which human rights are protected

67. An overview of the constitutional, legal and administrative framework for the implementation of ICERD is given below.

1. Constitutional, legal and administrative framework

68. The Constitution of Pakistan has significant human rights content. While human rights concepts can be found from the preamble onwards, there is also a separate chapter on fundamental rights of citizens. In view of the requirements in the guidelines for reporting, references have also been included on the situation of women. A brief overview of relevant Constitutional provisions is given below:

(a) Several provisions in the Preamble, a separate Chapter on Fundamental Rights and another Chapter on Principles of Policy - all underline the principles of equal rights and equal treatment of all citizens/persons, without any distinction;

(b) The preamble of the constitution not only aims at outlining the basic objectives of the Islamic Republic of Pakistan and the protection of all factions of the society but also attempts to define the minority subjects of Pakistan. It says “wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures”. Where both the elements that constitute a minority according to the preamble of the Constitution of Pakistan, also falls within the purview of the definition of the term “race”, as has been defined in the Article 1 of CERD. So, any and almost all the protections provided for in Pakistan’s constitution, in fact are granted to all the minority races living in the country, and any race/minority group can benefit from the same;

(c) Article 3 calls upon the State to ensure elimination of all forms of exploitation;

(d) Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with law. This applies to the citizens as well as “to every other person for the time being within Pakistan”. This article also clearly states that certain rights cannot be suspended;

(e) Under Article 8 any existing law or practice, inconsistent with or in derogation of the Fundamental Rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except “any law relating to members of the Armed Forces, or of the police ... charged with maintenance of public order ... for the purpose of ensuring the proper discharge of their duties”;

(f) Article 25 ensures equality before law and equal protection of law;

(g) Article 26 provides for equal access to public places with an exception that these are not intended for religious purposes only. It further clarifies that no distinction, as to the right of entry to such places, shall be made on the basis of race, religion, caste, sex, residence or place of birth;

(h) Article 27 provides for equality of employment in the public and private sectors;

(i) Articles 11 and 37 (g) prohibit trafficking in human beings as well as prostitution;

(j) Article 32 makes special provisions for the representation of women in the Local Government;

(k) Article 33 directs the State to discourage parochial, tribal, racial and provincial prejudices;

(l) Article 34 directs the State to take appropriate measures to enable women to participate in all spheres of life and community activities. In addition Articles 25(3) & 26(2) allow the state to make special provisions for the protection of women and children;

(m) Article 35 asks the State to protect the marriage, the family, the mother and the child;

(n) Article 36 directs the State to safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services;

(o) Article 37 directs the state to promote, with special care, the educational and economic interests of backward classes or areas; remove illiteracy to provide free and compulsory secondary education; make higher education accessible to all on the basis of merit, ensure inexpensive security just and human conditions to enable people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all areas of national activities, including government service;

(p) Article 38 enjoins upon the State to secure the well-being of the people, irrespective of sex, caste, creed or race.

2. Practical availability of these rights

69. A citizen can move to any court of competent jurisdiction in case his/her fundamental rights are infringed. However, low literacy and lack of awareness of one's rights does hamper resort to such action. Also approaching the judiciary through a lawyer is an expensive proposition, in terms of time, effort, finances and physical distance. Courts, however, also take suo-moto action on the infringement of fundamental rights.

70. The situation is remedied to an extent through steps taken both by the Government and the civil society. The process of democratization and the introduction of measures for the protection and promotion of human rights in Pakistan have reinforced the capacity of the Government and state organs to implement the provisions of ICERD.

71. Civil society organizations run numerous programmes to help the less empowered segments of the population, particularly poor women, to approach courts and obtain justice. There exists a healthy tradition among human rights activists, many of whom are lawyers themselves, to provide pro-bono services to individuals who may consider that their rights have been infringed or violated.

72. The Government also has in place numerous mechanisms, which the citizens can avail to claim their rights. These are:

(a) *Office of the Federal Ombudsman*: The Office of the Wafaqi Mohtasib (Ombudsman), is provided for in the Constitution. The office of Mohtasib was established in many early Muslim states to ensure that no wrongs were done to citizens. Appointed by the President, the Mohtasib holds office for four years; the term cannot be extended or renewed. The Mohtasib's mandate is to institutionalize a system for enforcing administrative accountability,

through investigating and rectifying any injustice done to a person through maladministration by a federal agency or a Federal Government official. The Mohtasib is empowered to award compensation to those who have suffered loss or damage as a result of maladministration. This institution is designed to bridge the gap between the administrator and the citizen, to improve administrative processes and procedures, and to help curb misuse of discretionary powers. The Charter of the Ombudsman's Office states that it will "diagnose, investigate, redress and rectify any injustice done to a person through mal-administration". A comprehensive definition of "mal-Administration" is given in the Charter. This definition, *inter alia*, covers decisions that are "perverse, arbitrary or unreasonable, unjust, biased, oppressive or discriminatory".

(b) *The Services Tribunal*: The Federal Service Tribunal was established under Article 212 of the Constitution. It has exclusive jurisdiction over the service matters of civil servants who are, or have been, in the Service of Pakistan.

(c) *Labour Courts*: To safeguard against any victimization or unfair labour practices, Labour Courts have vast powers to intervene to find out whether there have been violations of the principles of justice and whether any action by the employer was bonafide or unjust.

3. Overview of some legal and practical measures which give effect to the provisions of the Convention

(a) Legal framework

73. There are numerous laws and administrative measures, which directly or indirectly give effect to various provisions of the Convention. A glimpse is offered below:

- The Muslim Family Laws Ordinance, 1961 (aimed at protecting the rights of women regarding marriage and divorce).
- The Child Marriage Restraint Act, 1929 prohibits marriage of minors and prescribes punishments for anyone, including a parent or guardian, for conducting a child marriage.
- The Family Courts Act, 1964 provides for constitution of Special Family Courts to adjudicate family cases e.g. divorce, maintenance and custody of children, etc. No court fee is payable in such cases and the courts are required to decide the cases expeditiously. The Act was thoroughly revamped in 2002 and longstanding demands of women's rights activists to make it more contemporary were incorporated in it.
- The Mines Maternity Benefit Act, 1941.
- The West Pakistan Maternity Benefit Ordinance, 1958.
- The West Pakistan Maternity Benefits Rules, 1961.
- There is prohibition for women to be employed in night shifts (Section 45 of the Factories Act, 1934 and Section 23(C) of the Mines Act, 1923) or in hazardous occupations (Hazardous Occupations Rules, 1963).

- The Provincial Employees Social Security Ordinance, 1965.
- The Civil Servants Rules.
- Under the Pakistan Penal Code, 1860, (PPC) severe penalties are prescribed for the offences of kidnapping or abduction of girls/women under Sections 361, 363, 364A & 369, procurement of a girl (Section 366A-PPC) or her importation from abroad (Section 366B-PPC).
- The Criminal Procedure Code, 1898 provides for special treatment of women, when confronted with the law. The police may not enter a residential house, for arrest or search, which is occupied by a woman, till notice is given and such woman is facilitated to withdraw (Section 48. CrPC).
- The Court may also release a convicted woman, not punishable with death or imprisonment for life, on probation of good conduct, by executing a bond, with or without sureties (Section 562-CrPC).
- The law also provides for compensation. Under Section 545 of the Pakistan Criminal Procedure Code the court compensates the victim by ordering that payments from the fines taken from criminals be given to them.
- The Criminal Law (Amendment) Act, 2004 outlaws honour killings in accordance with the Constitution.
- Protection of Women (Criminal Laws Amendment) Act 2006 provides relief and protection to women against misuse and abuse of law and prevent their exploitation.

(b) Institutional framework

(i) Police Order 2002

74. In 2002, the Government introduced a new police law replacing Police Act of 1861 which contains special provisions to ensure protection of the rights of vulnerable sections of society. The new law has established a code of conduct for law enforcement officials with a view to depoliticizing and transforming it into a people-friendly public service. Article 3 of the new Order makes a Police Officer duty-bound to behave in public and all sections of society with equal decorum and courtesy and assist public without discrimination, particularly the poor, disabled or individuals in danger of physical harm. Article 4 makes special provisions to protect women and children.

75. Articles 155, 156 and 157 of the Police Order make certain acts by police officers punishable. Under Article 155, any police officer guilty of any violation of Articles 3 or 4 shall, on conviction, be punished with imprisonment for a term which may extend to three years with fine. Under Article 156, police officer guilty of vexatious entry, search, arrest, seizure of property or torture shall be punished with imprisonment for a term which may extend to five

years and with fine. Under Article 157, any police officer who unnecessarily delays the forwarding to a court or to any other authority to whom he is legally bound to forward any arrested person shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

76. These provisions are bound to enhance sense of legal protection among all sections of society including minorities.

(ii) Public Safety Commission

77. Police Order 2002 provides for establishment of Public Safety Commission at federal and Public Safety & Public Complaints Commissions at provincial and district level to insulate the police from extraneous interference and ensure that complaints against police are handled promptly at local level. This constitutes a democratic system of public oversight of law enforcement agencies. At least, one third of total membership of Public Safety Commissions at all levels consists of women. Half of the total membership of the Commissions goes to civil society (as independent members) selected to serve in the Commissions by a National Selection Panel. For the Federal Commission, the Panel is headed, by the Chief Justice of Pakistan or a Judge of the Supreme Court nominated by him. For provincial Commissions, the Panel is headed by the Chief Justice of High Courts or a Judge of the High Court nominated by him.

78. Dr. Mohani and Mr. Jhmat Lal Jethanand, two currently serving independent members of Sindh Public Safety & Public Complaint Commission established by the provincial government, belong to Hindu minority community of Sindh. Mr. Basant Lal Gulshan, former Member Provincial Assembly of Baluchistan has served as elected member of the Baluchistan Provincial Commission.

(iii) Establishment of Gender Crime Cell

79. The Government established the Gender Crime Cell (GCC) in the National Police Bureau, Ministry of Interior, on 1st April 2006 to curb violence against women. The Cell has been tasked to gather, collate and analyze data on cases of violence against women, to act as central repository of relevant data on cases of violence against women, and to assist the top policy-makers in developing holistic and effective policy countermeasures to control the menace of violence against women. The Cell has also been tasked to deal with cases of racial violence and discrimination.

(iv) Gender and human rights sensitization

80. To sensitize the police and to further improve law enforcement response to human rights situations, a comprehensive programme has been included in the curricula of police training schools, police training colleges and National Police Academy. National Police Bureau with the collaboration of Commonwealth Secretariat arranged a workshop titled "Training Workshop on Human Rights for Police Officers" in Islamabad from 4-8 June 2007. Thirty officers from different forces attended the training workshop and interacted, inter alia, with foreign experts on human rights issues.

(c) Cooperation/collaboration with NGOs/civil society

81. National Police Bureau joined hands with Altus Global Alliance - a Hague based NGO - and Rozan - an Islamabad based NGO - in observing Police Station Visitors Week (22 -28 October 2007) wherein members of NGOs along with civil society members visited different police stations to look into the business procedures, handling of public complaints against police, infra-structure, and facilities in lock-up of the stations.

82. All this, directly or indirectly, contributes to fighting discrimination against victims based on religion, race, colour and creed - already declared illegal by the Constitution of Pakistan.

(d) Administrative framework for the implementation of the Convention

83. The Ministry of Human Rights and the Ministry of Minorities Affairs form the national focal machinery for minority issues. The two Ministries focus on, inter-alia, the following:

(a) Review human rights situation in the country including implementation of Laws, policies and measures;

(b) Coordinate activities of Ministries, Division and Provincial Governments in respect of human rights;

(c) Take initiatives for harmonization of legislation, regulations and practices with the international human rights covenants and agreements to which Pakistan is a party and monitor their implementation;

(d) Obtain information, documents and reports on complaints and allegations of human rights violation, from Ministries, Divisions, Provincial Governments and other agencies;

(e) Refer and recommend investigations and inquiries in respect of any incident of violation of human rights;

(f) Pursue or defend issues, complaints, representations and matters for and against Pakistan relating to human rights before any official or non-Government organization, body or forum in Pakistan and in consultation with Foreign Affairs Division, before any international organization and foreign government or non-Government organization;

(g) Represent Pakistan in international bodies, organization and conferences relating to human rights in consultation and in conjunction with Foreign Affairs Division;

(h) Develop and conduct information programs to foster public awareness of human rights, laws and remedies available against the abuse of human rights;

(i) Formulate programs of teaching of human rights at educational institutions;

(j) Provide facilities for professional and technical training at home and abroad relating to human rights issues.

(e) Information and publicity

84. A kit was prepared for all concerned federal and provincial ministries, departments and agencies on ICERD. The kit consisted of:

- ICERD text.
- Introduction and a short profile of ICERD and the obligations it imposed on Pakistan.
- Introduction and summary of the General Recommendations of the CERD.
- Text of the General Recommendations.
- An Action Matrix derived from ICERD text and the General Recommendations, tailored for each specific ministry or group of ministries. The matrix spelt out requirements under ICERD/General Recommendations in one column, elaborated on these in the next and requested information in the last column. Hard/soft copies of this Matrix were sent to all concerned ministries, departments and agencies at the federal and provincial levels.
- The Ministries etc. were also requested to nominate officers as “focal points” on ICERD to assist in compiling the report.

85. Every effort was made to comply with the guidelines of the Committee on report writing. Information pursuant to specific article/s of the Convention is structured along similar lines.

86. Once the draft of the report was compiled, it was posted on the internet to give all interested persons a chance to read it. The Ministry of Human Rights made arrangements to take out advertisements in the leading newspapers of the country announcing to the public that the report had been posted on the internet.

87. On 13 November 2007, the Ministry of Foreign Affairs convened national consultations in which the report was discussed at great length and a number of recommendations and suggestions were made on the text.

88. The report was also examined, page-by-page, by the Ministry of Women Development, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Minorities Affairs and Ministry of Religious Affairs, National Reconstruction Bureau of Pakistan, Ministry of Finance, Ministry of Education and four provincial governments separately and in a series of inter-Ministerial consultations.

E. NGO consultations

89. On 4 December 2007, Minister for Human Rights, Mr. Ansar Burney, who is also a well known human rights activist, chaired consultations on the report with following leading national NGOs:

- PANAHA, Pakistan
- Pakistan Christians
- Human Rights Mission of Pakistan
- Pakistan Christian Welfare Association
- All Pakistan Women Association (APWA)
- Lawyers for Human Rights and Legal Aid (LHRLA)/MADADGAR
- Sindh Development Society
- All Pakistan Minority Alliance
- Minority Rights Commission
- Global Welfare Trust
- G.S Public Social Welfare Association

90. A number of very valuable suggestions were made in the above interactions, most of which have been incorporated in the final text.

91. The report was also submitted to the Prime Minister of Pakistan.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

92. Pakistan has consistently condemned racial discrimination. It has pursued by all means available to eliminate discrimination in all its forms to promote understanding among all segments of its society. This is in accordance with Article 2 of the Constitution of Pakistan. The Constitution states in no uncertain terms that the right to human dignity is absolute and unqualified and may not be violated on any ground or reason whatsoever.

93. Pakistan is a multi-religious, multi-cultural, pluralistic society where people of different ethnic and religious backgrounds live together in peace and harmony. Rights and interests of minorities are protected in Pakistan. Minorities constitute about 3.72 per cent of the total population and consist of Christians, Hindus, Ahmadis, Parsis, Buddhists and Sikhs.

94. Special welfare schemes have been in place for uplifting and bringing minorities into the national mainstream. Joint electoral system has been restored to fulfill a longstanding demand of the minorities. Under the Devolution of Power Plan 2000, minorities have been represented in all the three tiers of the local bodies. They are also represented in the national and provincial assemblies. Ten seats are reserved in the National Assembly and 23 in the four provincial assemblies. These seats are in addition to the seats they win in direct elections.

95. Representatives of minorities are actively participating in all walks of life in the country including in the legislative, judiciary and the executive. Minorities are also members of civil bureaucracy, military, business sector and education.

Article 2

96. Pakistan has never engaged in any deliberate act or practice of racial discrimination against individuals, groups or institutions. Actions of public authorities and public institutions, national and local, are normally in consonance with the obligation contained in paragraph 1 (a) of article 2.

97. The State continues to improve its existing legal and administrative structures to build checks against all forms of discrimination including racial discrimination. As recounted earlier, Police Order 2002 has helped improve surveillance of the Police and eliminate the possibility of discrimination by law enforcement agencies. (Detailed information is in Part 1).

98. The Constitution of Pakistan declares that all citizens are equal before law and are entitled to equal protection of law. Article 3 of the Constitution provides for the elimination of exploitation and the gradual fulfillment of the principle of equality based on merit. Specific forms of discrimination are addressed by the Constitution.

99. *Equality before the law and equal protection by law:* Article 25(1) of the Constitution of Pakistan declares that all citizens are equal before law and are entitled to equal protection of law.

100. Pakistan has never sponsored, defended or supported racial discrimination by any person or organization. Article 33 of the Constitution demands that the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among citizens.

101. Policies, laws or regulations that would undermine the effective participation by all segments of the society in the polity of the nation are deliberately set aside.

102. Article 36 of the Constitution states that the State shall safeguard the legitimate rights and interest of minorities including due representation in the federal and provincial services.

103. *Affirmative action:* The State shall promote, with special care, the educational and economic interests of backward classes or areas according to Article 37(a) of the Constitution. Also Article 3 enjoins upon the State to ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.

104. Article 38(a) provides that the State shall secure the well-being of its people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of the wealth and means of production and distribution in the hands of a few to the detriment of the general interest and ensuring equitable adjustment of rights between employers and employees and landlords and tenants.

105. *Special Protection of women and children*: Article 25(2) declares that there shall be no discrimination on the basis of sex. Article 25(3) provides for non-discrimination and calls upon the State to make special provisions for women and children. Article 34 provides, further, that steps shall be taken to ensure full participation of women in all spheres of life.

106. *Minority education and religion*: Articles 20 and 22 provide that no one will be required to receive education of a religion other than his own and, subject to law, no denomination will be prevented from imparting religious education to its own community through its own schools. Further, no citizen shall be denied admission on grounds of race, religion, caste or place of birth - to any educational institution that is receiving aid from public revenues. Article 36 provides full protection to minorities for employment in services.

107. *Entitlement to basic necessities due to disability*: Article 38(d) states that the State shall provide basic necessities, irrespective of sex, caste, creed or race, to all those persons who are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

Other provisions for non-discrimination

108. The laws of Pakistan as administered through a hierarchy of courts are designed to ensure equality before the law. The High Courts entertain writ petitions in their original jurisdiction to safeguard the fundamental rights of citizens. In addition, citizens can directly approach the Supreme Court to deal with cases of human rights violations and discrimination. The contribution of the courts in these areas is likely to have a far reaching effect on awareness regarding human rights and discrimination.

Social, economic and cultural development of minorities

109. Articles - 20, 21, 25, 26, 27, 28, and 36 of the Constitution of Pakistan provide full protection to all citizens of Pakistan without any discrimination of colour, creed, culture, language or gender.

National Commission for Minorities

110. To protect and safeguard their religious, social and cultural rights, the Government has set up a high powered National Commission for Minorities under the chairmanship of Minister for Minorities. The Commission has representatives from all minority communities in the country. The Terms of Reference of the Commission are:

- (i) To consider such laws, executive instructions, orders of procedural practices of the government and semi-autonomous bodies and agencies, which are, reported to be discriminatory towards the minorities;
- (ii) To consider such steps as shall ensure fuller and effective participation by the members of minority communities in all aspects of national life;
- (iii) To ensure their full and effective participation and association with their religious and cultural festivals and celebrations;

- (iv) To look into the grievances and representations made by the members of any minorities communities and to make suitable recommendations in this regard;
- (v) To ensure that the places of worship of the minority communities are preserved and kept in a functional condition.

Established in 1993, the National Commission is composed of 5 official members and 8 non-official members. The ex-officio members of the Commission are as follows:

- Minister of State for Minorities Affairs
- Secretary, Ministry of Interior
- Secretary, Ministry of Education
- Secretary, Ministry of Culture, Sports, Tourism and Youth Affairs
- Secretary, Ministry of Human Rights

111. The non-official part is composed of six members from minorities and two Muslim members.

112. Between 1997 and 2006, the National Commission held five meetings. Its Agenda included issues such as protection of minorities, recommendations for national cultural awards, financial assistance to minorities affected by natural calamities, grant of Special Funds for the Welfare and Uplift of Minorities, protection of communal properties of minorities, etc. On the recommendation of the National Commission for Minorities, several important decisions were taken. Some of them are as follows:

- In 2001, minorities were allowed to vote in the Joint Electorates.
- In 2001, Rs. 15 million was distributed to natural disaster affected Hindu families of Thar and Umerkot districts of Sindh province.
- The sale of communal properties of minority communities for communal work, without no objection "Certificates" from the Federal Government have been banned. These properties include places of worship of minorities, vicarages, dharamshalas, gaoshalas, burial places, community centers, social welfare, educational, health and recreational institutions meant for communal use of minority communities as well as side buildings, vacant places, lands, residential places or offices annexed to these properties.
- The Commission made recommendations for minorities specific initiatives such as operations of interfaith harmony committees, enhancement of the rates of scholarships to minorities and seminars on minority issues etc.

Ministry of Minorities affairs

113. To protect the rights of minorities as envisaged in the Constitution of Pakistan, a full fledged Ministry of Minorities was established in 2004.

114. The Ministry is tasked with the formulation and implementation of policies for religious harmony and peace in society. The Ministry, in the light of the role assigned to it, has set for itself the following Mission:

“Promotion of welfare of minorities, safeguarding their rights, protection against discrimination, upkeep of their religious places/properties and expeditious socio-economic uplift of all minorities without any discrimination.”

115. The Ministry has been entrusted with the following functions:

- (i) Safeguarding the rights of minorities;
- (ii) Protection of minorities against discrimination;
- (iii) Implementation of Pakistan’s obligations in respect of minorities under various international agreements;
- (iv) Policy and legislation with regard to Evacuee Trust Property Board.

116. The Ministry of Minorities has been assigned goals and targets with specific timelines for implementation. List of Goals and target for 2005-06 is as follows:

| No. | Goal/target |
|-----|--|
| 1. | Implementation of small schemes sponsored by Minority MNAs in the Development Committee |
| 2. | Provide Financial Assistance to 3200 needy individuals |
| 3. | Maximum revenue collection by Evacuee Trust Property Board |
| 4. | Improvement and renovation of Gurdwaras at Nankana Sahib |
| 5. | Improvement and renovation of Gurdwara Punja Sahib, Hasanabdal |
| 6. | Improvement, renovation and rehabilitation of Gurdwaras/mandirs, Lahore |
| 7. | Improvement and renovation of Sadu Bela Shrine, Sukker |
| 8. | Improvement and renovation of Evacuee Trust Property Office, Karachi |
| 9. | Development of Trust Properties with commercial properties |
| 10. | Construction of three Star hotels one each at Dera Sahib, Lahore, Nankana Sahib and Punja Sahib Hasanabdal |
| 11. | Introduction and adoption of e-government strategy |

Special welfare fund for minorities

117. A non-lapsable Special Fund for the Uplift of Minorities is operative in the Ministry of Minorities since 1985. The Fund is utilized for financial assistance to needy individuals from minority communities as well as the implementation of small development schemes for minorities.

Development schemes

118. The fund is utilized through an active participation of the elders of minority communities and on the recommendation of Parliamentarians. A detailed accounting procedure authorizes a

Development Committee to approve the schemes received from community leaders, minority members of the Parliament and provincial governments. The Development Committee is composed of seven ex-officio members and headed by the Minister for Minorities. The ex-officio members include Secretary, Ministry of Minorities, Joint Secretary (Minorities), Financial Advisor to the M/o Minorities, Representative of Pakistan PWD (Public Works Department), Chief/Deputy (Planning and Development), Deputy Secretary, M/o Minorities.

119. Minority communities feel more empowered after the introduction of joint electorates in the country. Their elders interact with other members of the Parliament to seek redress of their concerns and demands at the national level on a range of policy issues. The fund is utilized with the active partnership of the elders of minority communities and other Parliamentarians, unlike in the past before the establishment of democratic institutions when these funds were spent at the recommendation of provincial governments.

120. Provincial allocations out of the development funds are made on the basis of minority population in each province. These allocations are in addition to those implemented under other public sector development programmes. Details of approved development schemes for minority communities from 1997 to 2006 are as follows:

Approved development schemes for (From 1997 to 2006)

| S. No | Year | Approved schemes | Approved amount (Rs. in millions) |
|-------|-----------------------------|------------------|-----------------------------------|
| 1. | 1997-98 | 245 | 63.636 |
| 2. | 1998-99 | 317 | 93.044 |
| 3. | 1999-2000 | 169 | 41.184 |
| 4. | 2000-2001 | 237 | 48.800 |
| 5. | 2001-2002 | 245 | 59.000 |
| 6. | 2002-2003 | 136 | 62.205 |
| 7. | 2003-2004 | 135 | 62.720 |
| 8. | 2004-2005 | 74 | 34.284 |
| 9. | 2005-2006 | 42 | 24.790 |
| 10. | 01-07-2006 to 31-12-2006 | 35 | 21.692 |
| | Total | 1635 | 511.355 |

121. The scope of Development Schemes includes repair, renovation, maintenance, protection of worship places of minorities, support to NGOs working for the welfare of minorities, improvement in basic amenities such as gas, electricity, drainage, roads etc. These projects facilitate the religious ceremonies of minorities, support poverty eradication campaigns with the help of NGOs and help improve the quality of life of minority communities living in remote areas.

Financial assistance

122. The fundamental objective of the Ministry of Minorities is to look after the welfare of minorities in Pakistan. The Ministry oversees the provision of direct financial assistance to the

deserving members of minority communities to help them celebrate their religious festivals such as Christmas, Easter, Holi, Dewali, Baisakhi etc. An annual break-up of financial assistance granted to minorities is as under:

Financial assistance granted from 1997-2006

| S. No | Financial year | No. of applicants | Total amount sanctioned (Rs) |
|-------|----------------|-------------------|------------------------------|
| 1. | 1997-98 | 10 997 | 33 598 018 |
| 2. | 1998-99 | 7 198 | 20 595 500 |
| 3. | 1999-2000 | 1 031 | 22 967 000 |
| 4. | 2000-2001 | 0 | 0 |
| 5. | 2001-2002 | 0 | 0 |
| 6. | 2002-2003 | 5 769 | 11 950 000 |
| 7. | 2003-2004 | 3 343 | 7 614 900 |
| 8. | 2004-2005 | 5 720 | 19 563 550 |
| 9. | 2005-2006 | 6 693 | 20 126 597 |
| 10. | 31-12-2006 | 7 683 | 22 188 300 |
| | Grand total | 48 434 | 158 603 865 |

Education and minorities

123. Lack of education and awareness can lead to discrimination. Education, therefore, has been identified as one of the core concerns by the Government. The province of Punjab has made primary education compulsory by law. At the federal level, the education policy targets improvements in the educational infrastructure at all levels.

124. A special fund has been established to achieve optimal induction/enrollment of talent from minority communities in academic institutions. Applications for scholarships from this fund are invited each year through the press. These applications, after scrutiny, are processed and scholarships are awarded to eligible applicants.

Scholarships granted from 1997-2007

| S. No | Financial year | No. of students | Total amount sanctioned (Rs) |
|-------|----------------|-----------------|------------------------------|
| 1. | 1997-98 | 2 208 | 2 703 600 |
| 2. | 1998-99 | 1 750 | 2 307 900 |
| 3. | 1999-2000 | 575 | 886 200 |
| 4. | 2000-2001 | 4 727 | 4 985 000 |
| 5. | 2001-2002 | 6 141 | 6 539 800 |
| 6. | 2002-2003 | 3 293 | 3 928 400 |
| 7. | 2003-2004 | 3 678 | 4 069 000 |
| 8. | 2004-2005 | 4 243 | 6 860 800 |
| 9. | 2005-2006 | 7 387 | 8 936 600 |
| 10. | 31-12-2006 | 1 388 | 2 012 400 |
| | Grand total | 35 390 | 43 229 700 |

125. In 1998, in addition to the above scholarships, the Prime Minister of Pakistan announced “Merit Scholarships for Minority Students”:

- (i) Ten scholarships on merit for Medical and Engineering students from minority communities;
- (ii) Ten scholarships on merit for Post-graduate students from minorities communities.

126. The first phase of the Scheme was launched for a period of five years from 1999-2000 to 2003-2004. The next phase of the scheme was approved in 2006 with a capital cost of Rs. 17.40 million for a period of five years from 2007-2008 to 2011-2012. The following table gives current enrollment of minority students in major universities:

| University | No. of students |
|---|-----------------|
| Quaid-e-Azam University, Islamabad | 55 |
| University of Sindh, Jamshoro | 561 |
| Shah Abdul Latif Bhittai University, Khairpur | 70 |
| University of Punjab, Lahore | 1 500 |
| Foundation University, Rawalpindi | 05 |
| University of Karachi | 200 |

National cultural awards for minorities

127. The Government introduced the “National Cultural Awards Scheme” in 1976 for the promotion and preservation of culture of minority communities. Under this scheme, a certificate and cash prize of Rs. 50,000/- are granted in the fields of literature, education, medicine, engineering, performing arts, folk arts, computer sciences and sports. On the recommendation of the National Commission for Minorities, an additional award in the field of “Interfaith Harmony” has been introduced by the Government. Since the inception of this scheme, 92 eminent persons from minority communities have been granted this award. Since 1998, the Government has conferred this award upon 39 eminent personalities belonging to the minority communities as follows:

List of awardees of national cultural awards for minorities from 1998 to 2006

| 1998 | | | |
|--------|------------------------|-------------|--------------------------|
| S. No. | Name | Province | Field |
| 1. | Mr. Nadeem Ajmal Adeem | Punjab | Literature |
| 2. | Mr. Robin John | Sindh | Performing arts |
| 3. | Mr. Chitra Preetam | Sindh | Fine arts |
| 4. | Mrs. Sumitra Devi | NWFP | Folk arts |
| 5. | Mrs. R.E. Nathaniel | Balochistan | Education |
| 1999 | | | |
| 6. | Dr. Sarah Safdar | NWFP | Education |
| 7. | Ms. Amy King | Punjab | Education |
| 8. | Mr. Gopal Das | Sindh | Folk arts |
| 9. | Mr. Pervaiz Paras | Punjab | Folk arts |
| 10. | Mr. Wali Ram Valabh | Sindh | Literature |
| 11. | Mr. Nevil Patel | Punjab | Profession (Engineering) |

| 2000 | | | |
|--------|------------------------------------|----------|--------------------------|
| S. No. | Name | Province | Field |
| 12. | Mr. Ahmed-ud-Din Allia Sabir Afaqi | AJ &K | Literature |
| 13. | Mr. Nasir Daniel | Punjab | Performing arts |
| 14. | Mr. Samuel Gill | Punjab | Performing arts |
| 15. | Mr. Krishan Lal Bheel | Punjab | Folk arts |
| 16. | Prof. Dr. Christy Munir | Punjab | Education |
| 17. | Prof. Dr. Eng. Bhawani Shankar ch. | Sindh | Profession (Engineering) |
| 18. | Mr. Yousuf Yohana | Punjab | Sports |
| 19. | Mr. Geno S/o Sooro | Sindh | Folk arts (Fine arts) |
| 20. | Mr. Shafiq Shad Khan | NWFP | Fine arts |
| 2003 | | | |
| 21. | Mr. Mehboob Fransis | Punjab | Literature |
| 22. | Mr. Pervez Nadeem Ghouri | Punjab | Performing arts |
| 23. | Mrs. Shazia Izhaq Manoahar | Punjab | Fine arts |
| 24. | Mai Dadli | Punjab | Folk arts |
| 25. | Mr. Edgar Victor | Sindh | Education |
| 26. | Dr. Mrs. Pushpa Sirichand | Sindh | Profession (Medicines) |
| 27. | Mr. Javed Bashir | Sindh | Sports |
| 2004 | | | |
| 28. | Dr. Ashok Kumar Tanwani | Sindh | Profession (Medicines) |
| 29. | Mrs. Deena M. Mistri | Sindh | Education |
| 30. | Mr. Mansoor Gill | Punjab | Literature |
| 31. | Mr. Homi J. Meherhomji | Sindh | Fine arts |
| 32. | Mr. Chaghla | Sindh | Folk arts |
| 33. | Ms. Rafia Bano | NWFP | Performing arts |
| 34. | Ms. Saira Fazal | Punjab | Sports |
| 2006 | | | |
| 35. | Mr. Farzand Masih | NWFP | Education |
| 36. | Misri Faqir Jogi | Sindh | Folk arts |
| 37. | Mrs. Indo Mitha | Punjab | Performing arts |
| 38. | Dr. Ghanshamdas | Sindh | Profession |
| 39. | Mr. Patras Masih | Punjab | Sports |

Interfaith harmony

128. In the context of efforts to protect minorities from discrimination, the Government has taken a unique step to target the sources of prejudice at district level. The Provincial Governments have established District Interfaith Harmony Committees with representation from prominent religious leaders of minority and majority communities. The Committees meet regularly on monthly or quarterly basis to review the situation prevailing in the district with regard to the security and welfare of minorities, promotion of inter faith harmony, and building up better understanding between majority and minority communities.

129. Each district government has also been directed to prepare a contingency plan to protect the lives and property of minority communities residing in the district. Such contingency plans, while identifying steps to protect places of worship of minority communities in the district,

residential areas of minorities, health and educational institutions being run by the minorities in the district, are also entrusted with identifying focal persons who could be contacted in cases of emergency. These contingency plans are reviewed by the Interfaith Harmony Committees on regular basis.

Evacuee Trust Property Board

130. The Evacuee Trust Property Board (ETPB) is an autonomous body established under section 3(1) of the Evacuee Trust Properties (Management and Disposal) Act 1975 by the Federal Government under the administrative control of the Ministry of Minorities. The Board is responsible for the preparation, management, maintenance and disposal of Evacuee Trust Properties, and to maintain religious shrines and provide facilities for pilgrims. ETBP conducted the visit of a record number of 24,000 Sikh and Hindu pilgrims from all over the world to their holy places on 6 festivals in 2004-05 alone. Three minority representatives in ETPB are Col. S. K. Tressler, Mr. Sham Singh and Mr. M. Prakash Advocate.

131. The Trust Properties have been categorized as under:

- Shrines/worship places
- Agriculture trust properties
- Urban trust properties
- Properties purchased/acquired with trust money
- Sale proceeds of trust properties
- Profits/income from trust properties
- Lease/rent money from trust properties
- Any property exchanged with any evacuee trust property

The Trust is responsible for maintenance of following shrines:

| Provinces | Sikh Gurdwaras | Hindu temples |
|-------------|----------------|---------------|
| Punjab | 509 | 897 |
| Sindh | 0 | 81 |
| NWFP | 79 | 223 |
| Baluchistan | 0 | 10 |
| Total | 588 | 1 221 |
| Grand total | 1 809 | |

Efforts of Provincial Governments

132. In addition to the efforts at the federal level, the Provincial Governments have also taken several initiatives to ensure the welfare of minorities in the reporting period. The Government of Punjab has established a Minority Cell to monitor minority affairs in an effective manner in the

provincial Auqaf, Religious and Minorities Affairs Department. The Cell is headed by an officer belonging to the minority community. It is equipped with all necessary facilities and staff. Its fundamental purpose is to maintain effective co-ordination between minorities and majority Muslim community.

133. The Minorities Advisory Council of Punjab, with 40 members from minority communities, has the mandate to discuss issues concerning minorities and forward them to concerned Departments for redressal.

134. The Chief Minister of Punjab announced a package of Rs. 2.5 million for the Christian community in 2004. Religious festivals such as Christmas and Easter are regularly celebrated at the Governor's House, Punjab. Similarly, the Government assures all possible facilities to celebrate Sikh festivals in Nankana and other districts of Punjab.

135. The Sikh holy city of Nankana Sahib has been made a district with a competent district government machinery. Separate courts have also been set up in the district. The Gurudawara in Lahore is located right next to the famous Badshahi Masjid (constructed in the Mughal era). The location and preservation of this Sikh religious place right next to the mosque, reflects tolerance and respect for multiculturalism in Pakistan. Its maintenance has been given the highest priority by the Federal and Provincial governments. Special arrangements are made for Sikh pilgrims who come to Pakistan to perform religious rites and ceremonies there.

136. For the conservation and development of famous Katasraj shrine in Chakwal district, the Government of Punjab has approved an amount of Rs. 108.2 million of which Rs. 26 million has already been spent.

137. The Government of **Sindh** has established the Workers Welfare Board which provides free education to workers' children. The Sindh Labour Department has undertaken a survey of brick kilns where a majority of workers in the province belong to minority communities in order to identify places where the education and health facilities can be provided to them from Workers Welfare Fund. In addition, the Government of Sindh is encouraging non-governmental activities in Thar where most of the workers in carpet industry belong to minority communities.

138. The Provincial Assembly of the **North West Frontier Province (NWFP)** has allocated special funds in addition to normal development programmes for minorities for the repair, renovation and rehabilitation of places of worship. In 2002-03, the provincial government announced a special package of Rs. 12.03 million for minorities. For 2003-04 and 2004-05, a package of Rs. 12 million was granted in the budget. This was enhanced to Rs. 17 million in 2005-06. For 2006-07, two projects for community development amounting to Rs. 12.8 million and Rs. 5.71 million were announced. Total spending on community development projects has been enhanced by Rs. 22.79 million. In order to promote interfaith harmony, the provincial government took the initiative of holding an Inter-faith Conference at the provincial level which was presided over by the Chief Minister, NWFP.

139. In Baluchistan, minority members of the Provincial Assembly receive an allocation of Rs. 5 million each for development schemes of their choice annually. During the last five years, Rs. 30 million has been allocated to three minority members in the Assembly. Major development schemes completed in the last five years are as follows:

- Construction of the community hall in Sibi District for the Balmik community
- Construction of the community hall, wash rooms for pilgrimages at Hinglaj District Lasbella
- Construction of the boundary wall for shamshan bhoomi in Quetta
- Construction of boundary wall for Hindu Community premises in Jaffarabad
- Construction of the road from the RCD highway to Hinglaj Distt. Lasbella

140. There is no restriction on employment of minorities in any province. The Government has provided for age relaxation for Scheduled Castes in Superior Services of Pakistan.

Police Order 2002

141. In order to improve services provided by the Police, the Government introduced a new police law replacing Police Act of 1861 which contains special provisions to ensure protection of the rights of vulnerable sections of society. Details are included in Chapter I.

142. Police Order 2002 provides for the establishment of Public Safety Commission at the federal and Public Safety & Public Complaints Commissions at the provincial and district levels to insulate the police from extraneous interference and ensure that complaints against the police are handled promptly at local levels.

143. Dr. Mohini and Mr. Jhmat Lal Jethanand, two currently serving independent members of Sindh Public Safety & Public Complaint Commission established by the provincial government, belong to Hindu minority community of Sindh. Mr. Basant Lal Gulshan, Member Provincial Assembly of Baluchistan has served as the elected member of the Baluchistan Provincial Commission.

144. The minority communities are also playing an important role as trained para-medical staff in almost all the provinces of Pakistan. As per statistics, 24% nurses registered with Pakistan Nursing Council are Christians, 0.2302% Hindu, 0.0921% Qadiani and 0.0077% Sikh.

Article 3

145. Pakistan has repeatedly stressed that the policies of apartheid, racial segregation and discrimination are not only repugnant to the ideals of any human society but also socially unjust, morally condemnable and legally untenable. Any concept of racial superiority is contrary to the teachings of Islam. Pakistan has condemned racial segregation and apartheid as a crime against human dignity and considers it contrary to the Charter of the United Nations and the Universal Declaration of Human Rights and to all moral and human values.

146. The policy of apartheid in South Africa was unreservedly condemned by Pakistan. Pakistan remained in the forefront of the international campaign against the former racist regime in Pretoria and observed a complete boycott of the regime regarding contacts in the political,

diplomatic, economic, social, cultural, sports or other fields. Pakistan welcomed the restoration of democracy in South Africa following the official dismantling of the apartheid system, and welcomed South Africa to the United Nations.

147. Pakistan has taken effective measures to prevent incitement to or acts of discrimination based on theories of superiority of race, colour or ethnic origin. Section 153-A of the Pakistan Penal Code primarily creates comprehensive criminal liability on any conduct constituting “incitement” including on racial grounds. Details follow in subsequent paragraphs.

148. Anti Terrorism Act, 1997 (Act xxvii of 1997) criminalizes acts intended or likely to stir up sectarian hatred (section 8). It also provides for proscription of such organizations which patronize and assist in the incitement of hatred and conscript on religious, sectarian or ethnic lines that stir up disorder (sections 11A, 11B).

Article 4

149. The parameters set by the Constitution of Pakistan in Para 9 Chapter I coincide with the Committee’s opinion that “prohibition of the discrimination of all ideas based on social superiority or hatred are incompatible with the right to freedom of opinion and expression”. The purposes, objectives and spirit of Article 4 of the Convention are given full effect by the provisions of the Constitution and the Pakistan Penal Code.

150. Apart from being used in the criminal context, incitement is also covered by regulatory measures in the statutes administering industrial relations and reported precedents demonstrate its frequent utilization, for example in the case reported as 1979 PLC 90. In the legislative history of Pakistan, prosecutions have been based on the provisions of incitement.

151. Pakistan Penal Code is based on common law. The main statute that creates penal liability is the Pakistan Penal Code of 1860. It has 511 provisions criminalizing conduct under numerous heads. This statutory language used for formulation of offenses is general. It thus covers a wide range of crimes.

152. The application of the law is not only limited to acts which disturb public tranquility or cause alarm, but also to acts which promote or incite or attempt to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities. In Pakistan public or private organizations cannot propagate, promote or incite racial discrimination.

Section 153-A of the Pakistan Penal Code, 1860

153. This section is the primary provision in the Pakistani law that creates a comprehensive criminal liability on the conduct constituting “incitement”. It elaborately describes the activities that comprise “incitement”. It also narrates the motives and results that the inciter intends to achieve and covers the religious groups as well. Relevant text of Section 153-A of the Pakistan Penal Code is reproduced below:

“Whoever,

- (a) By words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite on grounds of religion, race, place of birth, residence, language caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or
- (b) Identifiable as such on any grounds whatsoever and which disturbs or is likely to disturb public tranquillity; or
- (c) Commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities or any group of persons.
- (d) Organizes, or incites any other person to organize, any exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be criminal force or violence, or participates, or incites any other person to participate in any such activity intending to use or be trained to be criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community or any group of persons identifiable as such on any ground whatsoever and any such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or, regional group or caste or community, shall be punished with imprisonment for a term which may extend to five years and with fine.

Explanation. It does not amount to an offense within the meaning of this section to point out, without malicious intention and with an honest view to their removal matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different religious, racial, language or regional groups or castes or communities.”

Regulation and Control of Loudspeakers Ordinance, 1965

154. The West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 1965 was brought in as a legislative measure to prevent use of medium to spread hatred or incitement. This law can also be used as a compliance provision to criminalize ‘incitement’. Its preamble specifically mentions incitement in the following words:

“...meant for the prevention of incitement to the commission of any offense...”

Section 109 of the Pakistan Penal Code 1860

155. Section 109 of the Pakistan Penal Code, 1860 refers to “Abetment”. Although “abetment” is conceptually different from incitement, the acts constituting incitement can also be selectively tried under the description of abetment.

Section 511-A of the Pakistan Penal Code

156. This provision provides punishment for attempt of commission of an offence that comes under the Pakistan Penal Code. Thus, whoever, attempts to commit the offence of incitement can be tried under Section 511 even if he was able to prove that attempt of incitement did not lead to any adverse consequence.

Section 6 (2) (f) of the Anti Terrorism Act, 1997

157. This provision criminalizes the act of incitement explicitly. It states:

“Terrorism means ...an action...if it...incites hatred and contempt on religious sectarian or ethnic basis to stir up violence or cause internal disturbance.”

The advantage of framing a charge of incitement under this provision is that the prosecution will have a better alternative in a nature of Anti Terrorist Court, a much more vibrant forum of trial compared with the ordinary trial courts.

Case law precedents on incitement

158. There are extensive precedents (judgments of the High Court) in which the aforementioned provisions were examined and incitement was excluded from the right of freedom of speech, particularly in the case of Masroor Ahsan vs Ardeshir Cowasjee PLD 1998 S.C. 823.

Article 5

159. Irrespective of race, colour, creed or sex every citizen of Pakistan is equal before the law and enjoys equal protection provided under various legal provisions.

160. The Government of Pakistan is making efforts to protect and promote civil and political rights as well as economic, social and cultural rights of all citizens. Some far-reaching measures for the protection and promotion of human rights in Pakistan and for the economic and social uplift of the people have been undertaken. These measures, along with the full implementation of the provisions of the Constitution and the law, adequately cover the provisions in article 5.

161. *Right to equal treatment before tribunals and all other organs administering justice* is ensured by Article 25 of the Constitution. It states “All citizens are equal before the law and are entitled to equal protection of the law.”

162. *Right to security of person and protection by the State against bodily harm*, whether inflicted by government officials or by any individual group or institution, is ensured through articles 25, articles 9 and 10 and article 14 of the Constitution, quoted below:

Article 9 of the Constitution states “No person shall be deprived of life or liberty save in accordance with the law”.

Article 10 of the Constitution states

- “(i) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice;”
- “(ii) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate;”
- “(iii) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention;”
- “(iv) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies of services, and no such law shall authorize the detention of a person for a period exceeding three months unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of three months unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.”

163. Explanation I In this article, ‘the appropriate Review Board’ means:

(a) In the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and

(b) In the case of a person detained under a provincial law, a board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

164. Explanation II The opinion of a review board shall be expressed in terms of the views of the majority of its members.

“(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, within fifteen days from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

“(6) The authority making the order shall furnish to the appropriate review board all documents relevant to the case unless a certificate, signed by a Secretary to the government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

“(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case provided that this clause shall not apply to any person who is employed by or works for, or acts on instructions received from, the enemy or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity.

“(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

“(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.”

165. *Article 14 of the Constitution* states that the dignity of man and, subject to law, the privacy of home, shall be inviolable.

166. No person shall be subjected to torture for the purpose of extracting evidence.

Political rights:

167. Political rights of all citizens are guaranteed by the Constitution.

168. Previously, in an effort to ensure adequate representation of minorities in the legislature a system of separate electorates was used, with minorities voting for representatives from their own communities.

169. Minorities Communities had, since long been demanding restoration of a joint electorate system for minorities as originally envisaged in the Constitution of Pakistan. The Government decided to restore joint electorate system in the country. Leaders of minority communities have hailed the Government decision. In addition, the seats reserved for minorities in the National Assembly (10) and Provincial Assembly (23) have also been kept intact to ensure their representation in these houses.

170. Minorities have also been given effective participation through the Devolution Power Plan 2000. They have representation in all three tiers of local bodies even if they have less than 1% vote ratio in a particular area. This ensures finding solutions to their concerns with their participation.

Civil rights

Freedom of expression

171. The Constitution of Pakistan in its preamble as well as in article 2 A, states that the people will be guaranteed fundamental rights, including the freedom of expression. Article 19 of the Constitution also guarantees every citizen the right to freedom of speech and expression. It further guarantees the freedom of the press.

172. Any unreasonable restriction outside the laid down Constitution may be challenged in the courts. In case the restriction is found to be unreasonable, the court shall strike down not just the action, but also the law which imposes the restriction.

173. The right to freedom of expression is an important right. The right is also recognized and upheld by Islamic law and traditions. It is the basis for a democratic society and representative system of government. Civilized existence, the pursuit of happiness and development are unthinkable in the absence of the crucial right. The right, however, is subject to reasonable restriction all over the world.

174. The courts protect the right to freedom of expression and zealously guard against any unlawful or unjustified encroachment on the exercise of this right. The courts probe the impugned action and interpret the provisions of law under which such action is taken. They examine the executive action on the touchstone of the law warranting it, and also interpret the law in the light of prescribed constitutional limits, so as to determine the legality of the action and vires of the law. In case the action is found to be illegal or the law is found to be in violation of the Constitution, both the action and law can be struck down.

Freedom of thought, conscience and religion

175. The Constitution of Pakistan guarantees every citizen the right to freedom of thought and freedom to profess, practice and propagate his religion. It allows a religious denomination or a sect thereof to establish and manage its own religious institution. The exercise of such rights is, however, subject to law, public order and morality (art 20). It also states that a person attending any educational institution may not be forced to receive religious instruction or participate in a religious ceremony or attend religious worship if such instruction, ceremony or worship relates to a religion other than his own (art 22). Further, the Constitution (art 21) provides safeguards against taxation for the purpose of any particular religion. Thus, constitutional safeguards carry a double connotation: the freedom to believe and practice one's religion and that no one shall be forced to adhere to or practice a religion other than his own.

176. *Article 19 of the Constitution* states "Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court or [commission of] or incitement to an offence."

177. *Article 20 of the Constitution* states “subject to law, public order and morality (a) every citizen shall have the right to profess, practice and propagate his religion and, (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions”.

178. *Article 21 of the Constitution* states no one shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

179. **Right to identity** is enshrined in the Constitution and safeguarded by several laws, including those dealing with birth registration, acquisition of citizenship and national identity cards. The law protects not just the right to a person’s identity, but also group identity as a member of religious, cultural or linguistic community. Minority communities may establish and manage their own religious institutions. The Constitution further safeguards the right of a section of society having its own distinct language, script or culture, to preserve and promote the same, and for this purpose permits the setting up of appropriate institutions. Religious minorities are governed by their respective personal laws in the areas of inheritance, family matters and charitable institutions.

180. The National Registration Act 1973 (Annex 22) deals primarily with the issue of personal identity. It provides for the compulsory and universal registration of all citizens; minors as well as adults. It is incumbent upon parents and guardians to get the child registered. The law also obliges every adult citizen, having attained 18 years of age, to apply for registration and get a national identity card (NIC). The NIC is generally regarded as conclusive proof of the citizen’s identity. The card is multipurpose and is demanded as proof of the citizen’s identity at the time of obtaining a passport, seeking employment, casting the vote and opening a bank account. Failure to apply for registration is a penal offence, punishable with a fine. The courts enforce the law and protect the rights guaranteed therein. It is not permissible for the Government to deprive anyone of his or her identity or of rights and benefits attached thereto. Efforts are being made to streamline the system of NIC, in vogue since 1973, since not every entitled citizen has yet been issued the card and some non-citizens, particularly illegal immigrants and refugees, have obtained such cards and abuse or misuse them. The government has now introduced the system of computerized registration and considerable progress has already been achieved in this respect. The registration center in the federal capital and other provincial centers are issuing computerized cards.

181. A person may lose his or her identity as a citizen of Pakistan on relinquishing his citizenship. This happens when a citizen of Pakistan takes up citizenship of another country and is required under the laws of that country to do so. Children of such a person retain their nationality till such time as they opt for their parent’s new nationality. Pakistan has dual nationality agreements with some countries, and agreements with more States are expected to be signed.

Protection of privacy

182. The Constitution guarantees the inviolability of the dignity of the human person. Article 14 states that the “dignity of man and, subject to law, the privacy of home, shall be inviolable”. Article 4, likewise, states that “no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with the law”. Article 35 obliges the State to protect “the family, the mother and the child”.

183. The privacy of the home is protected, though such protection is subject to law. No interference with or intrusion in to individual privacy is permissible except in accordance with the law and for justifiable reasons.

184. Article 14 embodies Islamic injunctions on human dignity, honour and privacy of the home. Strict prohibitions exist against eavesdropping, tapping of telephones and photographing something inside the house. Such acts are regarded as an invasion of privacy and, as such, are prohibited.

185. Defamation is also a criminal offence under the Pakistan Penal Code punishable with imprisonment, extending up to two years or with fine, or with both.

The right of freedom of movement and residence within the border of the State

186. Article 15 of the Constitution states, “Every citizen shall have the right to remain in and subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.” There is no bar on anyone leaving the country or returning to it. However, there is no specific article in the Constitution covering it.

Protection against torture and inhuman and degrading treatment

187. The Constitution very clearly supports the provision of this Convention. Article 14 states that the “dignity” of man is “inviolable” and that “no person shall be subjected to torture”. Article 11 (4) states that no person shall be compelled to do “compulsory service” which is of “a cruel nature or incompatible with human dignity”. Furthermore, Articles 9 and 10 speak of the “security of a person” and provide necessary safeguards against arrest and detention.

Economic social and cultural rights*Right to work*

188. The right of work, to free choice of employment, to just and favourable conditions of work, to equal pay for equal work and to just and favourable remuneration are covered by articles 16, 17 (1) and 18 of the Constitution.

189. *Article 18 of the Constitution* states:

“Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

“Provided that nothing in this article shall prevent:

- “(1) the regulation of any trade or profession by a licensing system; or
- “(2) the regulation of trade, commerce or industry in the interest of free competition therein; or
- “(3) the carrying on, by the Federal Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.”

190. Minorities actively participate in all walks of life - in the legislature, judiciary and executive. Minorities also are prominent in the business sector and education.

191. Justice Rana Bhagwandas served as the second senior most judge of Supreme Court of Pakistan. He took over as the Acting Chief Justice of Pakistan in the absence of the Chief justice of Pakistan. He was not the first representative of Minorities to assume this office. Justice A.R. Cornelius, a devout Catholic and a native Pakistani, remained the Chief Justice of Pakistan between 1960 to 1968. He remained the Justice of Supreme Court for 17 years during which he delivered many landmark judgments.

192. Similarly, a number of Christians and Parsis have made it to the top of civil and political bureaucracy in Pakistan. Mr. A.R. Poonenagar has held several high profile positions in the Government of Pakistan including member Pakistan Public Service Commission, Secretary Ministry of Water and Power, Chief Secretary, Government of Balochistan and Director, Central Board of State Bank of Pakistan. Ambassador Jamshed Marker has been a most distinguished diplomat of Pakistan representing the country in eight capitals of the world including Washington, Moscow, Bonn, and New York.

Right to form and join trade unions

193. *Article 17 of the Constitution* states that “Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.” This is fully implemented.

194. Pakistan is a signatory to ILO Conventions 87 and 98 on Freedom of Association and Protection of the Right to Organize, and Application of the Principles of the Right to Organize and to Bargain Collectively, respectively. We report regularly to the ILO on the implementation of these Conventions.

195. Similarly Articles 2 A and 17(1) speak of the right of every citizen to form associations or unions subject to reasonable restriction imposed by law in the interest of the security or integrity of Pakistan, public order or morality. Article 17(2) provides that every citizen, except those in the service of Pakistan may form or be a member of a political party, subject to reasonable restriction imposed by law in the interest of the security or integrity of Pakistan.

196. The right to form or be a member of an association or union or a political party has a fairly wide scope. The right extends to forming all sorts of associations, such as societies, clubs, associations, companies, trade unions and political parties. The Constitution allows full liberty to

form any association for any lawful purpose. The purpose may be to work in the economic, social or political fields or to promote science, art, literature, religion or charity. Thus, associations in the social or political fields or to promote science, art, literature, religion or charity, labour or trade unions, students' unions, teachers associations, employers and employees associations and confederations and professional bodies, all come within the ambit of this constitutional right.

Right to housing: minorities can live anywhere in the country

197. The right to housing is covered by the Principles of Policy in the Constitution of Pakistan that the State shall provide all citizens with basic necessities of life such as food, clothing, housing, education, medical care, social security, etc., subject to the availability of resources.

198. Minorities can own property in any part of Pakistan, alone or in association with others. This is guaranteed in article 23 of the Constitution. Article 23 states as follows:

“Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.”

199. *Article 24 of the Constitution* states:

“1. No person shall be deprived of his property save in accordance with the law.

“2. No property shall be compulsorily acquired or taken possession of save for a public purpose and save by the authority of law which provides for compensation thereof and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given ...”

200. An ordinance protecting the communal properties of minority communities has been promulgated by the Government. These properties include places of worship, monasteries, seminaries, vicarages, dharmashalas, gaoshalas, burial places, community centers, social welfare, educational, health and recreational institutions meant for communal use of minority communities including side buildings, vacant places, lands, residential places or offices annexed to the said properties. Under the ordinance, no property of minority community meant for its communal use can be bought, sold or transferred by any person without obtaining “No Objection Certificate”.

201. A number of reputed educational institutions owned by the Christian community in the Province of Punjab were nationalized in 1972. Prior to nationalization, these institutions were known for the quality education imparted to their students. One such institution is the Lahore Diocesan Board of Education (LDBE), owned and run by the Christian community of Punjab, having more than 20 branches of reputable schools and colleges across the province. These schools and colleges are host to students of all communities. The Government of Pakistan has returned most of these institutions to their previous owners who have applauded the decision of the Government and are now trying to bring these institutions to the standard for which these were reputed before nationalization.

The right to public health, medical care, social security and social services

202. The rights to housing, public health, medical care, social security and social services, education and training are covered by the Principles of Policy in the Constitution of Pakistan that the State shall provide all citizens with basic necessities of life such as food, clothing, housing, education, medical care, social security, etc., subject to the availability of resources.

203. *Article 38 of the Constitution* enjoins “The State shall:

“(a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;

“(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

“(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

“(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

“(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan.”

The right to equal participation in cultural activities

204. The Preamble of the Constitution of Pakistan which outlines its fundamental objectives clearly states that “... adequate provisions shall be made for the minorities freely to profess and practice their religion and develop their cultures”. The Government of Pakistan has tried to create an environment in which every citizen enjoys freedom to express his/her cultural identity.

The right of access to places of service

205. The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres and parks is addressed by article 26 (1) of the Constitution.

206. *Article 26 of the Constitution* states “in respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, caste, sex, residence or place of birth”.

Article 6

207. Every citizen of Pakistan, irrespective of his origin, faith or sex, enjoys the fundamental human rights and freedoms provided for in the Constitution without any discrimination. These rights are protected by the Constitution, the Judiciary and state institutions. These rights fully conform to the provisions of the Convention.

208. The judiciary is independent and fully competent to enforce the constitutional rights and those provided under the law that do not discriminate between the citizens of Pakistan. All citizens have the right to seek redressal for alleged or perceived infringements of their rights by the courts of law in Pakistan.

209. Anyone who feels aggrieved can file a writ directly to the High Courts. The courts, in the recent past, have dealt very swiftly with such writs.

210. Besides government institutions, large number of NGOs are working to combat all types of discrimination. NGOs have been instrumental in bringing cases of discrimination before the High Courts.

211. A number of administrative measures have been adopted to counter discrimination and protect human rights. A full-fledged Ministry of Human Rights deals with issues of discrimination.

Article 7

212. In accordance with the guidelines of the Committee, information on the implementation of Article 7 of the Convention are given under the following headings:

- A. Education and Teaching
- B. Culture
- C. Information

Education and teaching

213. Education plays in economic growth, social development and general awareness and empowerment of people to defend and demand their rights. It is primarily through education that tolerance could be promoted within societies.

214. Pakistan suffers from problems endemic to developing countries. The Government is making concerted efforts to improve the level of education in the country. In recent years, literacy levels in Pakistan have registered improvement albeit at a moderate pace. The expenditure on education has steadily increased over the last five years. It has increased from 1.8 percent in 2000-01 to 2.42% of GDP in 2006-07. This reflects the effort by the Government to provide education to every man, woman and child in the country. The literacy rate which was 45% in 2001 increased to 54% in 2005-06 indicating a 9% increase in a period of five years. The percentage of children aged 10-18 that left before completing primary level decreased from 15 % in 2001 to 10 % in 2005.

215. The Constitution of Pakistan in its articles 37(b) and (c) states that “the state shall remove illiteracy and provide free and compulsory secondary education within the minimum possible period, make technical and professional education generally available and higher education equally accessible to all on the basis of merit”. This article corresponds with Article 26 (I) of the Universal Declaration of Human Rights.

216. According to the Education Census 2005, there are currently 227,791 institutions in the country. The over all enrolment is recorded at 33.38 millions with teaching staff of 1.357 million. Out of the total institutions 151,744 (67 percent) are in public sector catering to 22 million (64 percent) of enrolled students and 0.723 million (53 percent) of the teaching staff. In case of private sector, there are 76,047 institutions (33 percent) catering to 12 million student and 0.632 (47 percent) of the teaching staff.

217. Although gender gaps persist at all levels of the education system, they are gradually closing down. This largely is a result of Government’s persistent policies to address gender discrimination in society. Through its Perspective Development Plan 2001-2011, the Government has made a serious effort to include gender concerns in its strategies and overall sectoral programs including education.

218. The government has taken several steps towards improving the quality of education in the country. At the policy level, National Education Policy (NEP) review was approved in January 2005 to be completed in three phases. The publication of National Education Census (NEC) enabled the policy makers to take right decisions on the basis of an organized data-base. The Curriculum Reform Programme, Madrassah Reform programme and the President’s Education Sector Programme have contributed to improving the quality of education at various levels.

219. To improve the quality of higher education and promote scientific education, the Government has established Higher Education Commission in 2002. The Commission aims at transforming Pakistan’s institutions into world class seats of learning and advancement of knowledge to create a modern, progressive, tolerant and prosperous society. Furthermore, several other initiatives such as establishment of National Education Assessment System (NEAS) aimed to improve the quality of education at elementary level, establishment and operation of 82,000 Basic Education Community Schools till 2011, establishment of National Commission for Human Development and public-private partnership in education are part of multi-pronged strategy to make the existing education system more effective and efficient.

220. The Ministry of Human Rights has launched an awareness programme in the field of human and legal rights. This awareness programme is being carried out through the print and electronic media. It is also proposed that human rights as a subject would be included in the curriculum at the schools. The Ministry of Human Rights is also in the process of establishing complaint cells where an aggrieved person who feels that this or her rights have been violated can approach and seek redressal.

221. Religious education by any sect or denomination in Pakistan is optional. There are several educational institutions managed and run by members of the minority communities, particularly Christian missionaries, without any hindrance or discrimination. Many educational institutions run by missionaries that were nationalized during the 1970s have now been returned to their

original owners. At the university level, students are encouraged to undertake research on subjects related to promotion of understanding, tolerance and friendships among nations.

National Institute of Special Education

222. The National Institute of Special Education was established at Islamabad in 1986 with the purpose of developing manpower in the field of special education by conducting short-term and long-term courses for the teachers of public and private institutions. The institute has six major aims:

- To coordinate training programmes for those who work in special education, whether they are employed in the federal or provincial centres or in NGOs
- To work with overseas aid-giving agencies in the organization of training courses that require the services of experts and consultants
- To provide support in the development of university departments of special education for higher professional qualifications
- To undertake a direct, organizational and instructional role in respect of training, up to diploma and master's level courses
- To disseminate information about special education through publications and reports of research and by arranging national seminars and workshops or relevant themes
- To assist special education centres to develop curricular response to the needs of the students and to adopt appropriate teaching strategies

Special education at the universities

223. Special education is an emerging subject in Pakistan and the main obstacle in the way of rapid expansion of services is the lack of trained manpower. Dependence on training abroad is not a practical and realistic solution to the problem. To overcome this difficulty, courses leading to the master's degree have commenced at the special education department at Karachi University (Karachi) Punjab University (Lahore) and Allama Iqbal University (Islamabad). Approximately 135 students benefit from these departments every year.

National Institute for the Handicapped

224. The Directorate General of Special Education established the National Institute for the Handicapped in 1987 at Islamabad. The Institute is housed in purpose-built premises at Islamabad and has the following objectives:

- To coordinate the national effort for the prevention of disabilities, to plan and develop integrated referral systems through out the country and serve as a training centre for those involved in the prevention of disabilities
- To plan and develop a system of early detection and discovery of any disability in children

Training of law enforcement, judicial and prison officials

225. Prison staff training institutes have been set up by the Federal Government. The Prison Staff Training Institute in Lahore has recently made efforts to bring awareness of the Convention as well as relevant human rights standards to prison officials.

Culture

226. Important policy initiatives taken by the Government are to decentralize cultural activities, give recognition to regional heritage of languages and literature, reorganize important national bodies, revitalize cultural institutions and revive and promote equal participation by women in all sectors, including sports.

227. The National Institute of Folk Heritage (Lok Virsa), which falls under the Ministry of Culture, has been established to promote and project understanding, tolerance and friendship among the people of Pakistan through cultural programmes. All publications, video and audio cassettes and programmes of the National Institute of Folk Heritage focus on projection of social harmony and tolerance at intra-national and international levels. The Institute basically reflects the message of peace and harmony in the folk culture of various regions in Pakistan.

Cultural awards for minorities

228. In order to preserve and promote the culture of minority communities of Pakistan, the Government of Pakistan has introduced a scheme of national cultural awards exclusively for minorities. Under this scheme, awards, accompanied by a cash prize of Rs. 50,000 are granted each year in the fields of literature, fine arts, performing arts and folk arts. Fifty talented persons of various minorities have benefited from this scheme.

Cultural identity of the minorities

229. The Constitution of Pakistan states that “any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law establish institutions for that purpose”. The President of Pakistan has instituted awards of “pride of performance” at the national level which are awarded also to the minorities. A number of talented individuals belonging to minority groups who have excelled in the field of arts, sciences, literature, music, etc. have received the award.

Information

230. Inherent in the right to freedom of expression is another and equally important right, namely, right to receive and transmit information and other material. Such information may be oral or written, in the form of art or through other means, and may be obtained from national or international sources.

Print media

231. The mass media in Pakistan plays a dominant role in the dissemination of information with a view to informing, educating and entertaining the public. The print media publishes news, views and opinions of national and international incidents and happenings and comments on

matters of public concern. With some exceptions, all newspapers and magazines are published in the private sector. The Government, thus, does not exercise any control over the reporting of news or editorial content. There is no censorship.

232. Newspapers are published in Urdu, English as well as in regional languages. To facilitate them in receiving news, the Government operates one news agency called Associated Press of Pakistan (APP). Here again, the Government exercises no monopoly as quite a few other news agencies operate in the private sector. The press is free to receive information from any of these agencies or from international agencies.

The electronic media

233. Radio and television play an equally important role in the dissemination of information, education and in providing entertainment to the public. There is widespread ownership of radio sets. The Pakistan Broadcasting Corporation Act 1973 (Annex 23) provides for awareness and education through quality programmes and maintenance of a proper balance in subject matter. Such programmes, the Act states, must aim at promoting national unity, the principle of democracy, freedom, equality, tolerance and social justice and must discourage parochial, racial, tribal, sectarian, linguistic and provincial prejudices.

234. Programmes from several satellite channels are also received through the installation of dish antennas. Radio Stations are also being set up in the private sector. Some local private radio stations have already become operational.

235. PTV 2 a special channel, shows programmes on education and entertainment. It mostly telecasts educational programmes prepared by the Allama Iqbal Open University, Islamabad. The university, in collaboration with the Shalimar Recording Company (SRC), recently developed special video packages for students. These packages include information and material that is of interest to children. The packages also include material in the shape of animated films. The programme is quite popular with students and contributes substantially to the proper growth and development of children.

236. The official media also broadcasts special programmes for minorities. Radio Pakistan particularly prepares following programmes for minorities every year on the dates mentioned against each programme.

Christians

| S. No. | Date | Programme | Format | Duration |
|--------|---------------------------|-------------------------------|-------------------------------------|--|
| 1. | December 24 th | Christmas evening | Magazine programme | 40 mts. (all stations) 60 mts. (Lahore Karachi) |
| 2. | December 25 th | Christmas service from church | Magazine programme | 1 hour (all stations) |
| 3. | As per calendar | Good Friday | Magazine programme | 30 mts. (all stations) 60 mts. (Lahore Karachi) |
| 4. | As per calendar (April) | Easter programme | Easter service recorded from church | 60 mts. (all stations) |

Hindus

| | | | | |
|----|---------------------------|------------------------------|--|---|
| 1. | As per calendar | Janam Ashtami | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |
| 2. | As per calendar | Holy | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |
| 3. | As per calendar | Basant | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |
| 4. | As per calendar | Besakhi | i. Talk ii. Radio report in news bulletin iii. Report on 3 days activities | 10 mts. (all stations) All stations From Islamabad and Lahore |
| 5. | As per calendar (April) | Dosehra | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |
| 6. | As per calendar | Dewali | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |
| 7. | As per calendar (October) | Birth day Shiri Guru Balmiki | Talk Radio report in news bulletin | 10 mts. (all stations) All stations |

Sikhs

| | | | | |
|----|-----------------|-----------------------------------|-------------------------------|--------------------------|
| 1. | As per calendar | Birth day of Baba Guru Nanak | Radio report (Sikh minority) | 30 mts. (Lahore station) |
| 2. | As per calendar | Birth day of Baba Buru Arjan Dev. | Radio report (Hindu minority) | 30 mts. (Lahore station) |

Parsis

| | | | | |
|----|-----------------|---------------|--------------|---------------------------|
| 1. | As per calendar | Hoodo-o-Aosal | Radio report | 15 mts. (Karachi station) |
|----|-----------------|---------------|--------------|---------------------------|

Kalash/Kafaristanis

| | | | | |
|----|----------------------------|--------------------------------|--------------|---------------------------|
| 1. | As per calendar | Kalash festival (Chilam Joshl) | Radio report | 20 mts. (Chitral station) |
| 2. | As per calendar | Kalash festival (poor) | Radio report | 10 mts. (Chitral station) |
| 3. | As per calendar (December) | Kalash festival (poor) | Radio report | 10 mts. (Chitral station) |

Khawar language programme

| | | | | |
|----|------------------|----------------|---|---------------------------|
| 1. | Daily 5 to 8 pm. | Magazine Prog. | Radio report, talks, interviews, documentaries, features, drama, Khawar music | 3 hours (Chitral station) |
|----|------------------|----------------|---|---------------------------|

Detail of special programmes for minorities on national TV

(From 2000 to 2007)

| S. No. | Date of telecast | Title of programmes | OUR (mts.) | Channel |
|--------|------------------|--|------------|----------|
| 1. | 20.11.1997 | Sikh shrines (Documentary) | 20' | PTV. One |
| 2. | 03.06.2000 | Sikh Yatarion ka Daura-e-Pakistan | 25' | PTV. One |
| 3. | 05.06.2000 | Golden Temple Sikh Yatri | 25' | PTV. One |
| 4. | 25.05.2000 | Pakistan Mein Sikhon Key Muqadas Mqamaat | 25' | PTV. One |
| 5. | 25.12.2001 | Message by Mr. S. K.Tressler, Federal Minister for Minorities | 03' | PTV. One |
| 6. | 23.04.2001 | Maila Besakhi | 20' | PTV. One |
| 7. | 25.12.2002 | News morning (Live) Topic: X-Mass | 25' | PTV. W |
| 8. | 25.12.2002 | Special report President of Pakistan General Pervez Musharraf's address on the occasion of X-Mass | 33' | PTV. W |
| 9. | 22.03.2002 | Sikh Yatarion ki Pakistan Amad. | 46' | PTV. One |
| 10. | 05.04.2003 | Iqleeyaton Key Bunyadi Haqooq | 25' | PTV. One |
| 11. | 12.04.2003 | Besakhi ka Tehwar | 15' | PTV. One |
| 12. | 28.08.2004 | Pakistan Sikh Gordawara Perbandek Committee Ka Qiyam | 25' | PTV. One |
| 13. | 04.09.2004 | Guru Granth ki 400 Sala Taqreebaat | 25' | PTV. One |
| 14. | 24.12.2004 | X-Mass Special Programme | 25' | PTV. One |
| 15. | 25.11.2004 | Sikh Yatarion ka Doura-e-Pakistan | 25' | PTV. One |
| 16. | 11.03.2005 | Sardar Herkishan Surgeet Sey Mulaqaat | 25' | PTV. One |
| 17. | 08.04.2005 | Pope John Paul-II Funeral Ceremony (Live) from Vatican City, Italy | 164' | PTV. W |
| 18. | 21.11.2005 | Baba Guru Nanak ka 537 van Janam Din | 25' | PTV. One |
| 19. | 25.12.2005 | Topic: X-Mass | 25' | PTV. One |
| 20. | 17.04.2006 | Sikh Yatrion ki Pakistan Amad | 25' | PTV. One |
| 21. | 02.05.2006 | Besakhi Mela (Special Report) | 43' | PTV. One |
| 22. | 03.11.2006 | Nankana Sahib - Raraqiyati Mansoobay | 25' | PTV. One |
| 23. | 25.12.2006 | Christmas - Minority rights | 15' | PTV. W |
| 24. | 07.04.2007 | Easter | 25' | PTV. W |

| S. No. | Date of telecast | Title of programmes | OUR (mts.) | Channel |
|--------|------------------|--|------------|---------|
| 25. | 02.07.2007 | Breakfast news (Live) Guests: Mr. Haroon Qaiser, MNA, Federal Parliamentary Secretary for Minority Affairs Ch. Tariq C. Qaiser, Former MNA, (Father) Comperes: Ms. Maryam Bukhari & Mr. Qaiser Khan | 45' | PTV. W |
| 26. | 27.12.2007 | Pakistan Mein Iqaliaton ka Kirdar | 15' | PTV. N |

Private TV channels

237. Since early 2001, the Government has a policy to allow operation of private TV channels. This has empowered millions of people who were thus far voiceless. These private channels, inter alia, focus on minorities issues microscopically. Special features on the condition of minorities are shown on these channels which are distinguished by their incisive analyses and assessments. Regional press and TV channels are also playing their due role in promoting religious harmony and tolerance.

Film

238. Films are another medium of public entertainment and education. The Motion Pictures Ordinance 1979 (Annex 24) provides for the certification as well as exhibition of films in the country. The Ordinance aims at preventing the presentation of improper or objectionable films. Thus, no film made locally or imported may be exhibited without obtaining a certificate for its exhibition. Films as per their subject matter, content and presentation are classified as "U", which stands for "unrestricted public exhibition", or "A", which stands for "restricted to adults" Violation of the law is penal offence, entailing imprisonment of up to three years, or a fine of up to Rs 100,000, or both.

Information technology

239. The Internet is fast becoming an easy source of information for people all over the world. The recently announced IT policy by the Government is a revolutionary step towards making Internet access cheaper in Pakistan. In 2004-05, 10 development schemes were approved by the development committee for supply of computers to various minority NGOs, schools, computer institutes, and churches in the minority populated areas of Rawalpindi/Islamabad, Lahore, Sanghar and Quetta. This measure is in consonance with the Government's policy to bring modern age information technology to minorities.

International information exchange

240. The Government encourages international exchange of educational, social and cultural information and for this purpose has entered into several bilateral and multilateral agreements. Such agreements also provide for participation by educationalists, scientists and intellectuals in

international conferences. In 2005, Pakistan received 6 delegations of various Christian Organizations including a visit from Archbishop of Canterbury who appreciated the Government of Pakistan's commitment to eliminate bigotry and extremism through its vision of Enlightened Moderation.

III. CONCLUSION

241. This report endeavours to describe Pakistan's implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It briefly outlines the policy, legislative and administrative interventions made by the Government in addressing issues of discrimination. It provides some insight into the constraints under which the compliance measures are being implemented.

242. The Constitution of Pakistan provides a clear framework for elimination of all types of discrimination. The Government is continuing efforts to further improve and refine various political strategies and administrative structures to ensure implementation of the legal framework. In addition, critical evaluation of this framework is also an on-going process. Appropriate amendments are introduced after frequent evaluations in order to eliminate discrimination at all levels and in all its forms and manifestations.
